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### The Law of Life: God's Alternative to Abortion

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THE LAW OF LIFE: GOD'S ALTERNATIVE  
TO ABORTION

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A Thesis Presented to the Faculty  
of Concordia Seminary, St. Louis,  
Department of Systematic Theology  
in partial fulfillment of the  
requirements for the degree of  
Master of Sacred Theology

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by

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May 1978

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## PREFACE

Few problems are more personal and sensitive in nature, while at the same time affecting the very fabric of our society, than the problem of abortion. Both advocates and opponents of the practice of abortion have presented their case, but regardless of where those individuals who are concerned with this problem would place themselves on the abortion spectrum, most would agree that the problem will not soon disappear. The problem is before us and we must address it now, honestly and forthrightly. That is the intention of this paper. Even though there has already been much ink spilled and much rhetoric expended, this paper would offer its own distinctive contribution to the problem by affirming the "Law of Life."

The "Law of Life" is theological shorthand. When this paper speaks of the Law, it will do so in terms of the Lutheran Confessions where it is stated: "Therefore both for penitent and impenitent, for regenerated and unregenerated people the law is and remains one and the same law, namely, the unchangeable will of God" (F.C. Ep. VII, 17). And by the word "life" this paper will refer to that most sacred gift of human life whose creation and preservation is attributed to the Triune God, the Father, the Son and the Holy Spirit. This paper will support the thesis that God's immutable will has decreed that there be life, and that decree cannot be aborted. God would offer but one alternative to abortion--the Law of Life.



Medical and legal aspects of the problem inevitably arise in a study of this nature; however, the paper has a primary theological orientation which the contents of its five chapters will develop. In the first chapter we will survey the contemporary scene in order to clarify and to better understand what is involved with abortion practices, and how prevalent the humanistic mindset has become among those who endorse such practices. The second chapter will examine in some detail the Biblical data relative to the Law of Life, with special attention devoted to the Fifth Commandment as the life commandment. The writings of Martin Luther and of The Book of Concord will provide material for the third chapter that will further undergird our thesis. An historical survey in the fourth chapter will establish the Missouri Synod's treatment of the abortion problem, and it will include a comparative study of the recent positions taken by the Lutheran Church in America and by The American Lutheran Church. Finally, in the last chapter, pastoral application will be given to the thesis as we focus the Law of Life upon specific abortion situations which occur.

In advance of the text, the reader is advised as to the mechanics which have been employed in this paper. Unless otherwise noted, all Biblical quotations have been taken from the Revised Standard Version. Quotations from the Lutheran Confessions have been taken from the Tappert edition of The Book of Concord and those quotations have been identified by the following abbreviations:

A.C. = Augsburg Confession

Ap. = Apology of the Augsburg Confession

S.A. = Smalcald Articles

Small C. = Luther's Small Catechism



Large C. = Luther's Large Catechism

F.C. = Formula of Concord

F.C. Ep. = Formula of Concord, Epitome

F.C.S.D. = Formula of Concord, Solid Declaration

A number of German footnotes appear in chapters three and four with an English translation in the body of the text. This translation was prepared by the writer.



## CHAPTER I

### ABORTION: TRADEMARK OF A HUMANISTIC SOCIETY

#### Abortion Defined

A pregnant woman who sustains a physical injury and is thereby unable to carry her pregnancy to full term is said to have had a miscarriage, or in precise medical terminology, this would be called an accidental abortion. Accidental abortions, habitual abortions, infectious abortions, natural abortions--these are only a few of the more prominent medical classifications, all of which relate to the term abortion, but none of which constitute a moral problem for our society. The term abortion can apply to something that is regrettable and yet not problematic as far as moral decisions and human involvement are concerned.

A precise definition of the term becomes important. We are dealing with a problem situation, and in this paper the term abortion will be defined as follows: Abortion is the deliberate interruption of the growth process of an unborn child during the embryonic or fetal stage of its early development within the mother's womb and the subsequent expulsion and destruction of that embryo or fetus.

As defined in this paper, abortion will always have reference to the induced termination of a pregnancy as opposed to spontaneous abortions which occur when fetal growth is somehow impaired thus resulting in a miscarriage. David Granfield, an ordained priest and Professor of Criminal Law, Family Law and Jurisprudence at Catholic



University, would underscore our definition with his own cosmic and descriptive analysis:

. . . . abortion is anticipated entrophy whereby the human organism with its precious inheritance of energy and potential is purposely and freely degraded. Its intricate beauty and functional dynamism are reduced to a rubble of lifeless disorder. To understand abortion in its cosmic proportions it is necessary to see it as an entropic contribution to chaos, as a devastating attack on that improbable perfection which is human life.<sup>1</sup>

#### Methods of Abortion

Abortion practitioners have devised several methods which effectively interrupt pregnancy and accomplish what David Granfield has so graphically defined. The first such method, employed during the very early stages of the pregnancy (up through the twelfth week), is called dilation and curettage, or more commonly known as a D & C. This is a surgical procedure. The entrance to the mother's uterus, the cervix, is dilated by inserting and removing a series of cone-shaped dilators. When the opening has been sufficiently extended, the dilators are removed and a spoon-shaped surgical knife, called a curette, is inserted into the uterus. The curette is used to scrape the lining of the uterine walls, thus removing any tissue which is attached. Curettage is not painful as there are no nerve endings in the uterus itself, but the dilation of the cervix is painful and anesthesia is commonly used. As a result of this procedure, an embryo or fetus, previously intact, is dismembered. The remains are then disposed of as waste material.<sup>2</sup>

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<sup>1</sup>David Granfield, The Abortion Decision (Garden City, N.Y.: Doubleday & Co. Inc., 1969), pp. 39-40.

<sup>2</sup>Daniel Callahan, Abortion: Law, Choice and Morality (London: The MacMillan Co., 1970), pp. 31-32.



A second method used during early pregnancy, but again not beyond the twelfth week, is known as the suction method. Use of the suction technique, which was first developed in Japan, requires the insertion of a hollow plastic tube into the mother's uterus. This tube is connected to a small suction pump which exerts the necessary pressure to extract the embryo or fetus from its point of implantation in the womb. The dismembered pieces are sucked into a jar attached to the end of the tube. Many doctors regard this procedure as the safest way to perform an abortion. Approximately seventy-five percent of all abortions performed in the United States and Canada employ this suction method.<sup>3</sup>

A third method utilized in performing an abortion is that of salt poisoning. After the skin surface of the mother's abdomen has been anesthetized to eliminate pain, a long needle is inserted through her abdomen into the amniotic sac where the developing infant is safely protected. A solution of concentrated salt, about 200 cc, is then injected into the amniotic fluid. This solution is breathed and swallowed by the infant so that within an hour the unborn child will be poisoned. The corrosive effect of the salt also burns off the outer layer of the skin. Some twenty to twenty-five hours following the injection contractions will set in and labor will continue until a dead fetus is finally expelled.<sup>4</sup>

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<sup>3</sup>Ibid., p. 33.

<sup>4</sup>Doctor & Mrs. J. C. Wilke, Handbook on Abortion, rev. ed. (Cincinnati, Ohio: Hays Publishing Co. Inc., 1975), pp. 30-31.



This saline-injection procedure may be used from the sixteenth up to the twenty-eighth week of pregnancy. But at this point it is worth noting that in terms of biological development all organ systems have appeared and are functioning after only three months in the womb. There is a separate fetal heartbeat recordable as early as twenty-one days. There are separate brain wave patterns recordable as early as forty-five days. From twelve weeks on nothing new will develop or function; it only becomes a matter of further growth and maturation.

Abortions that are performed late in the second trimester and especially into the third trimester of pregnancy employ the method known as hysterotomy. A hysterotomy is nothing more than a Caesarean section, the surgical procedure used to deliver a baby through the mother's abdomen. The opening enables a similar incision to be made in the uterus so that the baby can be lifted out and the cord can then be cut. Up to this point the hysterotomy is identical with the C-section. The difference between a hysterotomy abortion and a C-section delivery comes after the cord has been cut. With a C-section delivery, the phlegm is immediately sucked out of the baby's mouth and mucus is removed from the nasal passages. All necessary care is provided through an incubator or intensive care unit to preserve the life of the newborn. With a hysterotomy, the infant is discarded and left to die. Abortions performed by this method always involve a live birth.<sup>5</sup>

Finally, there has been a recent procedural development involving what are called prostaglandin abortions. Upjohn, a major drug company located in Kalamazoo, Michigan, has developed the drug prostin

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<sup>5</sup>Ibid., pp. 31-32.



F2 alpha, after which this procedure takes its name. The drug is designed to produce labor and delivery and to be used at any stage of a woman's pregnancy. Although the technique is still in the experimental stage, at the Worcester Foundation for Experimental Biology there has been one-hundred percent success in inducing abortions in rabbits, rats and hamsters. The drug will be implanted in the woman's vagina. The implant is a tiny, open-ended silicone tube that looks like an inch-long piece of plastic soda straw. The advantages of this procedure will include no surgery, no harmful side effects, and no pain beyond mild cramps. Over a twenty-hour period after implantation the fetus should be expelled.<sup>6</sup>

#### The Widespread Acceptance of Abortion

The practice of aborting the unborn child through the use of these various methods has gained widespread acceptance. In Japan and most of the socialist countries, it has become the national policy to provide legal, medical abortions upon the request of patients. The Scandinavian countries and, since 1967, the United Kingdom, have made abortions available to women on an individual basis under a range of social, economic and medical situations.<sup>7</sup> It has simply become the norm. Countries totaling sixty percent of the world's population have broadly liberalized laws dealing with abortion.<sup>8</sup>

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<sup>6</sup>"Implant that could abort pregnancy safely is tested," St. Louis Globe Democrat, 20-21 November 1976, 2B.

<sup>7</sup>Nancy Howell Lee, The Search for an Abortifacient (Chicago: University of Chicago Press, 1969), p. 4.

<sup>8</sup>John D. Rockefeller III, "No Retreat on Abortion," Newsweek 87 (June 21, 1976):11.



In our own society, the practice of abortion has been generally accepted. But more than just accepting the practice, distinguished and influential elements within our society have wholeheartedly endorsed it and given their approval.

Abortion, once regarded as a secret and loathsome crime, a medical disaster, or a tragic manifestation of human weakness, has been justified by the draftsmen of the American Law Institute, defended by the American Medical Association, applauded by the American Public Health Association, championed by Planned Parenthood-World Population, and publicized by "The New York Times."<sup>9</sup>

There can be little question that organizations, such as those to which John Noonan has made reference, with the kind of status and visibility which most of them enjoy, can greatly affect the thinking of the general populace. Quite indicative, for example, of the influence which can be wielded by the medical profession is an editorial which appeared in the official journal of the California Medical Association. The editorial is a rather bold clarification of the pro-abortion, anti-life rationale. While on the one hand conceding the humanity of the fetus, there is nevertheless advocated a new "ethical" and decision making role for the medical profession in "death selection and death control." Our traditional Western ethic of reverence for life is giving way to a "new ethic" and although we are still paying lip service to the old values, the editorial argues, society is gradually making the shift to the "new." Specifically, the editor said:

The process of eroding the old ethic and substituting the new has already begun. It may be seen most clearly in changing attitudes toward human abortion. In defiance of the long held Western ethic of intrinsic and equal value for every human life regardless of its stage, condition or status, abortion is becoming accepted by society

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<sup>9</sup>John F. Noonan, ed., The Morality of Abortion (Cambridge, Mass.: Harvard University Press, 1970), p. IX.



as moral, right and even necessary. It is worth noting that this shift in public attitude has affected the churches, the laws and public policy rather than the reverse. Since the old ethic has not yet been fully displaced it has been necessary to separate the idea of abortion from the idea of killing, which continues to be socially abhorrent. The result has been a curious avoidance of the scientific fact, which everyone really knows, that human life begins at conception and is continuous whether intra- or extra-uterine until death. The very considerable semantic gymnastics which are required to rationalize abortion as anything but taking a human life would be ludicrous if they were not often put forth under socially impeccable auspices. It is suggested that this schizophrenic sort of subterfuge is necessary because while a new ethic is being accepted the old one has not yet been rejected.

It seems safe to predict that the new demographic, ecological and social realities and aspirations are so powerful that the new ethic of relative rather than of absolute and equal values will ultimately prevail . . .<sup>10</sup>

#### The Impact of Humanism

Of course it would be misleading to suggest that everyone of the pro-abortionist persuasion has been led to that position unknowingly or conditioned by the opinions of others. Many no doubt promote the cause of abortion simply because they find it compatible with their system of values and manner of behavior. While very few individuals may go around publicly espousing a carefully defined system of values which can properly be called humanism, let alone labeling or identifying themselves as humanists, it can still be held that there is a humanistic mindset which permeates our society, whose impact has been reflected in this whole problem of abortion.

When we speak of the impact of a humanistic mindset upon our society, we are speaking of humanism in the terms set forth by those

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<sup>10</sup>"A New Ethic for Medicine and Society," California Medicine 113 (September 1970):67-68. This editorial has been reprinted and was obtained from the Minnesota Citizens Concerned for Life (MCCL), 4803 Nicollet Avenue, Minneapolis, Minn. 55409.



who are its proponents. Paul Kurtz, a leading humanist and closely associated with their periodical, The Humanist, wrote:

Although humanists share many principles, there are two basic and minimal principles which especially seem to characterize humanism. First, there is a rejection of any supernatural conception of the universe and a denial that man has a privileged place within nature. Second, there is an affirmation that ethical values are human and have no meaning independent of human experience; thus humanism is an ethical philosophy in which man is central.<sup>11</sup>

By the definition of his own principles, Paul Kurtz has rather accurately characterized a large portion of our society. In digesting the entire essay by Kurtz, it becomes clear that he believes that humanists have won the battle with orthodoxy and that many, if not most educated people, are of the humanistic mindset. The elimination of a supernaturally conceived universe is at the same time a rejection of supernatural or divine authority operative within space and time. Into this void man has elevated himself as the center of the universe, the be-all and end-all of that which exists. The autonomy of man becomes the cornerstone of humanism. The course of action which man deems to be the most convenient or advantageous for his existence is the course of action to be followed.<sup>12</sup>

The principles of humanism are operative within our society in a variety of ways. Specifically related to the problem of abortion, the humanistic principle of personal freedom has become very important. Abortion advocates have contended that a woman has the freedom to choose whether to have her baby or to abort the unborn child. It has been

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<sup>11</sup>Paul Kurtz, "What Is Humanism?" in Moral Problems in Contemporary Society, ed. Paul Kurtz (Buffalo, N.Y.: Prometheus Books, 1969), p. 2.

<sup>12</sup>Ibid., pp. 1-14.



argued that a woman's ultimate freedom should be her right to have a legalized abortion and thereby to retain control over her body.<sup>13</sup>

Dr. Garrett Hardin, professor of biology at the University of California in Santa Barbara, said in a speech delivered at Berkley that "any woman at any time should be able to procure a legal abortion without even giving a reason."<sup>14</sup>

But the voice of Dr. Hardin is not alone. Humanistic advocates of a woman's right to choose to have an abortion are forceful in stating their case. Thomas Szasz, a trained psychoanalytic psychiatrist of international acclaim, has had this to say:

The correct argument for legalized abortion must, I believe, rest squarely on the premise that abortion is a "crime without victims." During the first two to three months of gestation when most abortions are performed, the embryo cannot live outside the womb. It therefore may be considered part of the mother's body. If so, there ought to be no special laws regulating abortion. Such an operation should be available in the same way as, say, an operation for the beautification of a nose: The only requirement ought to be the woman's desire to have the operation, her consent, and the willingness of a physician to perform the procedure . . .

. . . We must place the power to decide when an abortion must be performed in the hands of the pregnant woman, and not in the hands of the Church, the State, the A.M.A. or the A.L.I.<sup>15</sup>

And the well-known John D. Rockefeller III, who has served as chairman of the Population Council and recently headed the Presidential Commission on Population Growth and the American Future, editorialized in these words:

But there is a steadily growing understanding and acceptance of a woman's fundamental right to control what happens to her body and to her future. In the privacy of her own mind, and with whatever

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<sup>13</sup>Laurence Lader, Abortion (Boston: Beacon Press, 1966), p. 167.

<sup>14</sup>Ibid., p. 169

<sup>15</sup>Thomas Szasz, "The Ethics of Abortion," The Humanist 26 (September/October 1966):148.



counseling she seeks, she has the right to make her decision, and no one is better qualified.<sup>16</sup>

In matters pertaining to abortion, the credo of the humanistic mindset becomes very clear--women own and control their bodies.

### Arguments for Abortion

With so much attention directed to the principle of personal freedom and a woman's right to choose to have an abortion, the humanistic mindset has inevitably extended the grounds for having an abortion. The principle can easily be justified when the rationale is given a broad extension. There was a time when therapeutic abortions alone were considered legitimate in our country. A therapeutic abortion would be performed only when sound medical judgment concluded that a mother would be in danger of losing her life if she carried her pregnancy to full term, but as David Granfield observes, times have changed:

The traditional grounds that justified abortion are rarely resorted to today except as they have been broadly interpreted. The new grounds, however, have moved so far beyond the maternal exception that liberal abortion has become a new tool for social engineering.<sup>17</sup>

Today it is not unusual for the concept of therapeutic abortion to include psychiatric considerations as well as physical. In fact, the advanced technology in the fields of obstetrics and gynecology has reduced the need for therapeutic abortions, on medical grounds alone, to such a rare and almost non-existent set of circumstances that psychiatric reasons have come to dominate the category of therapeutic abortion. Opinions within the psychiatric profession are mixed as to the validity of permitting legal abortions on this ground. Some regard various

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<sup>16</sup>Rockefeller, "No Retreat on Abortion," p. 11.

<sup>17</sup>Granfield, The Abortion Decision, p. 121.



degrees of psychiatric distress as an indication that a pregnant woman should be granted an abortion if this is her request. Others feel that rarely, if ever, is a psychiatric disease an absolute indication for therapeutic abortions. For instance, there is good statistical evidence available to suggest that the suicide rate among pregnant women is considerably lower than among the general population of non-pregnant women.<sup>18</sup> But regardless of divided opinion within the discipline, the number of psychiatrically sanctioned abortions continues to increase. What some deem to be a proper course of action is judged by others to be a rationalization or a dignified excuse to eliminate an unwanted pregnancy.<sup>19</sup>

Another argument frequently used to justify an abortion is that of eugenics, the science which concerns itself with the production of healthy offspring.<sup>20</sup> According to our present birth rate, approximately 3½-4 million babies will be born this year in the United States. About one in ten of these babies will have a mild to severe form of defect. Roughly 120,000 will be mentally retarded and another 250,000 will have some kind of physical handicap.<sup>21</sup> Scientific refinements now make it possible in some cases to predict such defects prior to delivery, or under given circumstances to project the statistical relationship between an infant being born healthy and one being born defective. Eugenic

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<sup>18</sup>Wilke, Handbook on Abortion, pp. 44-48.

<sup>19</sup>Callahan, Abortion: Law, Choice and Morality, pp. 48-62.

<sup>20</sup>George Huntson Williams, "The Sacred Condominium," in The Morality of Abortion, ed. John T. Noonan, Jr. (Cambridge: Harvard University Press, 1970), p. 165.

<sup>21</sup>Callahan, Abortion: Law, Choice and Morality, p. 94.



considerations are thus regarded as a sufficient reason to liberalize the practice of abortion so that parents can be spared the hardship of raising defective children, and also so that these kind of children are relieved of the misery their existence will supposedly bring upon them.

Abnormalities which may result following cases of maternal rubella are often cited as justification for an abortion on eugenic grounds.<sup>22</sup> When this disease reached epidemic proportions in 1963-1964, the National March of Dimes Foundation reported that almost two million women of childbearing age had contracted the virus. Of these, an estimated 82,000 were in the critical first three months of pregnancy when the risk of a defective or malformed infant is much greater, and an estimated fifteen to twenty thousand were born with some kind of mental or physical impairment.<sup>23</sup> Even though today women can be successfully vaccinated against rubella, the potential affliction which it may yet impose upon an unborn child whose mother has not taken this precaution still enables the disease to remain a threatening symbol representing all the variable factors which may result in a deformed child.

So until such variable factors as faulty genes, the abnormal distribution of chromosomes, viral infections, drugs and excessive radiation can be effectively controlled as deforming agents, an available solution for those of a humanistic persuasion is the elimination of the potential deformity by means of an abortion.<sup>24</sup>

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<sup>22</sup>Ibid., pp. 95-114.

<sup>23</sup>Lader, Abortion, p. 37.

<sup>24</sup>Clifford E. Bajema, Abortion and the Meaning of Personhood (Grand Rapids, Mich.: Baker Book House, 1974), pp. 62-68.



The extended implication for a eugenic rationale is not difficult to perceive. This same principle can be logically applied all the way across the life spectrum. Father Robert Drinan, S.J., former Chairman of the Family Law Section of the American Bar Association, made the point very well when he wrote:

But can one logically and realistically claim that a defective non-viable fetus may be destroyed without also conceding the validity of the principle that, at least in some extreme cases, the taking of life by society may be justified by the convenience or greater overall happiness of the society which takes the life of an innocent but unwanted and troublesome person?

It is intellectually dishonest to maintain that a defective, non-viable fetus may be destroyed unless one is also prepared to admit that society has the right to decide that for certain individuals, who have contracted physical and/or mental disabilities, non-existence is better than existence. Is there any difference between prenatal and postnatal life?<sup>25</sup>

Supporters of liberalized abortion practices have turned to socio-economic factors as another legitimate basis for terminating a pregnancy. David Mace, professor of family sociology at the Behavioral Sciences Center of Bowman Gray School of Medicine at Wake Forest University and an internationally known authority on marriage and family life, has observed that "the overwhelming majority of abortions today are not sought for medical reasons but for personal, social, economic reasons that have to do with the woman's life situation and not with her health."<sup>26</sup> In other words, if a woman does not want to carry a pregnancy to full term, she can justify that decision on the grounds of social distress or the economic problem which the new child will create or further aggravate.

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<sup>25</sup>Father Robert Drinan, "The Inviolability of the Right to Be Born," in Abortion and the Law, ed. David T. Smith (Cleveland: Western Reserve University Press, 1967), p. 115.

<sup>26</sup>David R. Mace, The Agonizing Decision (Nashville: Abingdon Press, 1972), p. 69.



Because the pregnancy was not planned a woman may wish to avoid the inconvenience, or because another child in the family is not desired she may prefer to avoid the responsibility, or because a career will be interrupted she may feel that she cannot afford the time away from work. Whatever kind of personal preferences may be invoked, they all fit very conveniently into the socio-economic category. Boundaries upon such a category are practically non-existent. Virtually any personal reason could qualify a woman for such an abortion.

The socio-economic argument reflects again the impact of the humanistic mindset upon society. The argument may easily be persuasive, but it also has its critics. For example, Dr. R. F. R. Gardner, a consultant gynecologist as well as an ordained minister, who has offered a well documented medical and theological survey of the abortion problem, with special reference to the British scene after the 1967 Abortion Act was passed in England and Wales, has raised a challenging question. He writes:

The concept of "health" has been moving steadily away from the negative aspect of the absence of disease, towards the positive aspect of wholeness which must include not only a satisfactorily functioning body, but a mind at ease. It is naturally assumed that this involves a satisfactory socio-economic circumstance . . . . At what point are we to say that socio-economic circumstances justify abortion? If we say that poverty and poor economic situation make a further pregnancy insupportable in the 1970's, how much less bearable must another mouth have been among the working class in the industrial revolution, or the depression of the early 1930's? By these criteria how many of us today should have been disposed of prior to birth?<sup>27</sup>

Mention should also be made of several other serious suggestions. Laurence Lader and others say very unabashedly that abortion should simply

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<sup>27</sup>R. F. R. Gardner, Abortion: The Personal Dilemma (Grand Rapids, Mich.: William B. Eerdmans, 1972), pp. 46-47.



be regarded as another method of birth control, a backstop method, if you will, to correct the shortcomings of other contraceptives.<sup>28</sup> In a certain sense of the term, an abortion can be considered as the ultimate form of contraception. However, should women come to rely upon such procedures for this purpose, some unusual situations can occur. The following account illustrates the extreme to which this can be carried:

A New York court of appeals has upheld a ruling in a malpractice suit by a woman who sought damages from her doctor on grounds that he failed to diagnose her pregnancy in time for her to get an abortion. She delivered a healthy child, and complained that the doctor was responsible for her "pain and suffering," loss of consortium, and educational and mental expenses for the child. Headlined the "National Right to Life News": "Parents can sue doctor for birth of child."<sup>29</sup>

And then we are told that legalized abortions will have the positive effect of eliminating the criminal abortionist who preys upon the helpless victim of an unwanted pregnancy with his unsanitary practice in some dingy, secluded hotel room. This is supposedly the way to put the quack out of business and to save the lives of young women. James George, Jr. of the University of Michigan Law School makes such an argument. He writes:

In the long run the best way to salvage pregnant women from the hands of unqualified abortionists is to make it possible for them to receive proper treatment, openly, in licensed hospitals. This can be achieved by liberalizing the definitions of justifiable therapeutic abortion in the criminal code or by incorporating by reference similar expanded provisions in statutes or regulations affecting the medical profession directly.<sup>30</sup>

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<sup>28</sup>Lader, Abortion, pp. 156-157.

<sup>29</sup>"On the Abortion Front," National Review 27 (February 14, 1975):148.

<sup>30</sup>James George, Jr., "Current Abortion Laws," in Abortion and the Law, ed. David T. Smith, p. 36.



This has proved to be a fallacy, however. For example in Sweden, a country with liberal abortion laws for several decades, criminal abortions still go on and have reportedly increased.<sup>31</sup>

Another argument which has frequently been raised deals with the rape victim. This violent crime has probably generated more emotional cries to liberalize abortion practices than any other argument. This very sensitive subject will be considered in more detail in the final chapter, but for the present this much should be noted as far as its overall relevance to the abortion question is concerned. Nancy Howell Lee, who did a sociological study for her Ph.D dissertation on how people go about acquiring illegal abortions, concluding that we must adopt a system of legally provided abortions, had this to say about rape:

A pregnancy conceived by forcible rape would probably head the list as the most often unwanted, but it is such an unlikely event that it is not really relevant to an understanding of the reasons why women define certain pregnancies as unwanted.<sup>32</sup>

All of the arguments for abortion presented in this section of the paper are essentially based upon humanistic principles. The intent of such argumentation is that abortion procedures should be easily accessible to any woman requesting that service, regardless of her motivation. Lester Kirkendall, noted sexologist and professor of family life at the University of Oregon, substantiates this point. He writes:

Potential parents have both the right and the responsibility to plan the number and time of birth of their children, taking into account both social needs and their own desires. If family size is to be so regulated, then birth-control information and methods must

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<sup>31</sup>Harold Rosen, "Psychiatric Implications of Abortion: A Case Study in Social Hypocrisy," in Abortion and the Law, ed. Smith, p. 76.

<sup>32</sup>Lee, The Search for an Abortifacient, p. 149.



be freely available to both married and unmarried couples. . . . Involved in the right to birth control is the right to voluntary sterilization and abortion.<sup>33</sup>

### The Supreme Court Decision of 1973

On January 22, 1973 the objective of abortion advocates was achieved. On that day, the United States Supreme Court by a seven to two majority handed down a decision on state abortion laws in Texas (Roe v. Wade) and Georgia (Doe v. Bolton) which has had the effect of nullifying all restrictive abortion regulations in every state and thus making abortions easily accessible on demand to any woman.<sup>34</sup>

This must be regarded as a legal watershed of far reaching dimensions. The abortion controversy in our country has entered a new era, for in effect the highest court of the land has established a legal precedent allowing any pregnant woman to acquire an abortion for any reason. There is now a legal sanction for virtually every rationale that may influence a woman in her decision to have an abortion. A woman cannot be denied the right to have her pregnancy aborted. The decision is to be made in consultation with her attending physician, and after the first trimester the state is granted a supervisory role in determining the validity of the request, but the language in the Supreme Court's ruling is of such a nature that the scale very obviously has shifted away from the rights of the unborn child in favor of the woman's right to choose to abort her child. Quoting from the majority opinion of the case

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<sup>33</sup>Lester Kirkendall, "A New Bill of Sexual Rights & Responsibilities," The Humanist 36 (January/February 1976):5.

<sup>34</sup>Excerpts from the Roe v. Wade decision may be found in: Joel Feinberg, ed., The Problem of Abortion (Belmont, Calif.: Wadsworth Publishing Co. Inc., 1973), pp. 180-188.



involving *Roe v. Wade*, the Supreme Court handed down this summary statement:

1. A state criminal abortion statute of the current Texas type, that excepts from criminality only a "life saving" procedure on behalf of the mother, without regard to pregnancy stage and without recognition of the other interests involved, is violative of the Due Process Clause of the Fourteenth Amendment.

(a) For the stage prior to approximately the end of the first trimester, the abortion decision and its effectuation must be left to the medical judgment of the pregnant woman's attending physician.

(b) For the stage subsequent to approximately the end of the first trimester, the State, in promoting its interest in the health of the mother, may, if it chooses, regulate the abortion procedure in ways that are reasonably related to maternal health.

(c) For the stage subsequent to viability the State, in promoting its interest in the potentiality of human life, may, if it chooses, regulate, and even proscribe, abortion except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother.<sup>35</sup>

It is not our purpose here to scrutinize the legal proceedings which led up to this landmark decision, but it can hardly be questioned that the Supreme Court has significantly advanced the cause of pro-abortionists. Anti-abortionists are still hard at work seeking to override this decision of the court by congressional action that would result in a Human Life Amendment to the Constitution, a monumental task indeed when one considers the prevailing humanistic atmosphere.<sup>36</sup> Sarah Weddington, the Texas attorney and state representative who argued the case that led to the 1973 Supreme Court decision, does not expect that ruling to ever be changed. When interviewed in Christian Century she said: "Members of the court concluded that pregnancy very fundamentally affects the woman, thus she has a constitutional, fundamental right."<sup>37</sup>

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<sup>35</sup>Ibid., p. 186.

<sup>36</sup>James L. Buckley, "A Human Life Amendment," and John T. Noonan, "A New Constitutional Amendment," The Human Life Review 1 (Winter 1975): 7-20; 26-43.

<sup>37</sup>"Women, Anger and Abortion," Christian Century 93 (July 7-14, 1975): 622-623.



It would seem in fact that the Constitution has been altered as a result of *Roe v. Wade*. In the Fifth Amendment, which limits the power of the federal government, our Constitution states: " . . . nor shall any person . . . be deprived of life, liberty, or property without due process of law . . ." Again, in the Fourteenth Amendment, which limits the power of the states and adds a guarantee of equality, this universal principle is restated: " . . . nor shall any State deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws." But now, according to the Supreme Court, the term "person" can only be applied postnatally.<sup>38</sup>

There has been no delay in the implementation of the Supreme Court's decision. Father Charles Hurkes, a Right to Life speaker who teaches at St. Henry's Seminary in Belleville, Illinois, could say, less than two years after the ruling: "Of all surgical procedures performed upon women, an abortion has become the most common. It is performed more frequently than all other procedures combined."<sup>39</sup>

This would seem to be an exaggeration. But statistics from the National Center for Disease Control discourage that conclusion. This agency reported that in 1975 legal abortions increased by twelve percent. State agencies reported in excess of 850,000, but the report estimated that this accounting was perhaps fifteen percent below the actual number of abortions performed during that year. Teen-agers were involved in

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<sup>38</sup>Feinberg, ed., The Problem of Abortion, p. 184.

<sup>39</sup>Fr. Charles Hurkes, speaking at a Right to Life rally held in Nokomis, Illinois on Saturday, October 12, 1974 at which the writer of this paper also spoke.



one-third of the abortions and only twenty-six percent of the women obtaining abortions in 1975 were married at that time. From 1974 to 1975 the ratio of abortions to live births increased from 242 to 272 for each 1,000 live births.<sup>40</sup>

### The Stance of Various Religious Bodies

The Roman Catholic church has long maintained an anti-abortion position. Some have said that the Roman church has taken a position which is too extreme by precluding even therapeutic abortions, but as recently as November 18, 1974 the Vatican Congregation for the Doctrine of the Faith, with the imprimatur of Pope Paul VI, reaffirmed the traditional Roman Catholic position on abortion.<sup>41</sup> Consistently, the official pronouncements of Roman Catholicism have been in opposition to the abortion movement and in defense of the Right to Life.<sup>42</sup>

Many religious bodies, however, have taken a position over against the problem of abortion which is quite set apart from that of the Roman church. The evidence which follows would seem to suggest that organized religion, at least to some degree, has been receptive to the humanistic mindset operative within our society. But we should sample some of those religious bodies whose position over against the problem of abortion would seem to suggest the influence of the humanistic mindset. This is not intended to be exhaustive nor to implicate every member of a given religious body with the position taken by their leadership or public

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<sup>40</sup>"Legal Abortions up 12 pct., U.S. figures for '75 show," St. Louis Globe-Democrat, 30-31 July 1977, 2B.

<sup>41</sup>"Declaration on Abortion Congregation for the Doctrine of the Faith," Catholic Mind 73 (April 1975):54-63.

<sup>42</sup>Granfield, The Abortion Decision, pp. 54-71.



representatives. We are only concerned to capture the religious flavor of the problem and to understand the trend which has been established.

For example, Rabbai Israel Margolies of New York's Beth Am Temple demands:

Is it not time that we matured sufficiently as people to assert once and for all that the sexual relations of human beings and their reproductive consequences are not the business of the state, but rather free decisions to be made by free people.<sup>43</sup>

A strong supporter of legalized abortion, Rabbai Margolies speaks for Reform Judaism, insisting that the fetus is only a part of the mother and if the mother so chooses the fetus can be destroyed.

American Baptist Associate General Secretary, James A. Cristisen, voiced his abortion sympathies when he said that "any law that interferes with a woman's right to make a decision regarding abortion based on her own conscience limits her exercise of religion." And Mary Pardee, president of United Presbyterian Women, has indicated that her organization representing 350,000 Presbyterian women, voted in 1970 without dissent to oppose all laws restricting or prohibiting free choice on abortion.<sup>44</sup>

The American Baptist Convention, the Presbyterian Church in the U.S., the United Church of Christ, The United Methodist Church and Church Women United are some of the bodies represented in the National Council of Churches Compendium Statement on Abortion. In each of the statements the essential theme of "freedom to choose" and "a woman's right" comes

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<sup>43</sup>Lader, Abortion, p. 9.

<sup>44</sup>Edd Doer, "Abortion and Politics," The Humanist 36 (March/April 1976):42.



to the surface again and again. All of the statements in that compendium are pro-abortion.<sup>45</sup>

Perhaps the most concerted effort to coordinate religious support for the abortion movement is the recent organization on a national scale of a group called Religious Coalition for Abortion Rights (RCAR, 100 Maryland Avenue, N.E., Washington, D. C. 20002). Their purpose is to counteract the anti-abortion campaign of such groups as Right to Life, and to advocate free choice for women seeking an abortion. RCAR represents twenty-three major Protestant and Jewish bodies (including one dissident Roman Catholic group), together with the American Humanist Association, the American Ethical Union and the Unitarian-Universalist Association.<sup>46</sup> Such prominent figures on the American religious scene as Rt. Rev. Paul Moore, Jr., Episcopal Bishop of New York and Dr. Cynthia Wedel, President of the World Council of Churches are among the list of well-known citizens who are sponsoring this organization. Humanism has acquired an ally in many elements of organized religion where the argument is now made that a woman's right to have a legal abortion is inherent in the principle of religious freedom.

#### The Question of When Life Begins

Thus far in this chapter we have defined the practice of abortion, surveyed the methods that are employed in the procedure and observed that the practice is widespread. We have also emphasized the humanistic

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<sup>45</sup>"A Compendium of Statements on Abortion By Denominations and Church-Related Agencies." Compiled by the Coordinator of Family Ministries, National Council of Churches, 475 Riverside Drive, New York, N.Y. 10027. This material was reprinted in A Christian Handbook on Vital Issues (New Haven, Mo.: Leader Publishing Co., 1973), pp. 233-234.

<sup>46</sup>Doer, "Abortion and Politics," p. 42.



mindset whose impact can be seen in the stress that has been placed upon a woman's personal freedom to choose an abortion, in the extended grounds which are set forth as a justification for an abortion, in the Supreme Court decisions of 1973 legalizing abortion and in the liberal abortion stance of various religious bodies. But all of these facets of the abortion issue ultimately hinge upon the key question of when life begins.

Every discussion of the problem of abortion must eventually come to grips with the question of when life begins. Whether one is pro-abortion or anti-abortion, the question must be faced. As one noted author has written:

The question of when human life begins arises because we want to know whether and under what circumstances the performance of an abortion--the inducing of an abortion--is an act which kills human life. That abortion is an act which kills something--a being of some sort--is not in dispute, that is the purpose of abortion techniques.<sup>47</sup>

Something is killed, but what? Does an abortion kill a blob of protoplasm? Is it simply a mass of feminine tissue that is removed from the woman's body? Is the so-called "product of conception" all that an abortion terminates, something which only has a developing potential for life? Can it be said that abortion destroys human life?

A very wide range of conflicting answers could be gathered for these and similar questions. The question of when life begins, relative to what is terminated through an abortion procedure, is the very crux of this problem. To attempt a clarification of the matter, we can break down the responses to this question into three basic schools of thought.

There is first of all the genetic school. Exponents of this school contend that life begins at conception. The sexual union of a man

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<sup>47</sup>Callahan, Abortion: Law, Choice and Morality, p. 377.



and a woman is designed to reproduce a new human life. The science of genetics has confirmed that when the male sperm and the female ovum are joined together a genetic code is formed. This genetic code contains all the information that determines what the individual will be. This code becomes operative at the moment of impregnation controlling human characteristics and the possibility of human wisdom. From this point on, subsequent development is only a process of becoming what one already is. And so Paul Ramsey, a well-known writer in the field of ethics, can say:

Anyone who seeks a clearer or better place to light upon in answering the question, 'When in nascent life is there a right of life in exercise?' than genotypes (conception), segmentation, or the early stages of development will have to wait for the development of personal self-consciousness. That would be at almost age one in an infant's life, when it begins to exercise the power of speech; before that an infant is likely only potentially human by the standard of self-awareness or incipient rationality.<sup>48</sup>

Within the genetic school of thought, it becomes virtually impossible to justify an abortion without also calling it the destruction of a human life.

A second school of thought can best be described as the developmental school. According to this line of thought, the genetic basis for an individual, even though established at conception, cannot be equated with an individual human being until there has been some degree of development. Potential life is conceived in the womb, but it must first develop into actual life. Until there is this actualized human being, an abortion is not objectionable. As one might expect, there is a considerable

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<sup>48</sup>Paul Ramsey, "Reference Points in Deciding About Abortion," in The Morality of Abortion, ed. Noonan, Jr., p. 75.



latitude of opinion within this school concerning how developed a fetus must become before it is an actual human being.<sup>49</sup>

An old measuring standard, formerly used, was the concept of "quickening," that is, when the mother could feel movement within her womb. At that point the fetus was considered to be a live human being. But now technical advances in obstetrics can show a fetus in motion with distinctive human characteristics a month or more before "quickening," which is usually about five months into the pregnancy.

Another concept that is suggested within the developmental school is that of viability. Viability refers to that point at which the fetus can survive outside the mother's womb. Malcolm Potts, an advocate of the developmental approach to the life question has been quoted by Daniel Callahan in his book. Potts writes:

An ethical system founded on biology must begin by recognizing that reproduction is a continuum. It can be traced back to the time when the primordial germ cells are first recognizable in the yolk sac endoderm (at about the 20th day after fertilization in man) and it is still incomplete when a grandmother baby-sits for her daughter's children. . . . The simplest and most satisfactory ethic on abortion is to avoid ascribing any legal or theological status to the embryo during the first two weeks of development; beyond this time the embryo becomes increasingly important and at viability (28 weeks) the fetus should have the same rights as a newborn child.<sup>50</sup>

Such a consideration allows that prior to viability an abortion does not involve the taking of a human life. Dependence upon the womb, therefore, denies humanity.

Viability, however, is an extremely subjective approach to the question of human life. A fetus today can be viable as early as twenty weeks into the gestation process. Two decades ago that would have been

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<sup>49</sup>Callahan, Abortion: Law, Choice and Morality, p. 384.

<sup>50</sup>Ibid., p. 385.



impossible. As fetology and gynecology increase their skills, viability may occur even earlier. There is also evidence suggesting that Negro fetuses mature more quickly than white fetuses. If viability is used as the norm for determining when human life begins, the standard would vary with race and with many individual circumstances.<sup>51</sup>

It should also be noted that dependence does not end with viability. The prematurely born fetus, though viable, is still totally dependent upon an incubator for its life support. Just as surely as a fetus in the early stages of development, prior to viability, will die when detached from its mother's womb, so a viable fetus, or even a healthy infant, if uncared for, will die. The answer of the developmental school to the question of when life begins is finally inconclusive.

The third school of thought might be called the social-consequences school. In this case, the question of life is perceived in terms of the social context and not in terms of that which is conceived or developing. The social-consequences school can say that life is conceived in the womb or that life is developing in the womb, but for them this is not the point. The real question, for individuals such as Glanville Williams and Garrett Hardin, is not when life begins, but when that life (and they will usually concede that we are talking about human life) becomes a person. Advocates from this school of thought will argue that there is even life in the womb before conception takes place because the ovum was alive and the sperm was alive before their union resulted in the new life of a zygote.<sup>52</sup>

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<sup>51</sup>John T. Noonan, "An Almost Absolute Value in History," in The Problem of Abortion, ed. Feinberg, p. 11.

<sup>52</sup>Callahan, Abortion: Law, Choice and Morality, pp. 390-394.



By substituting the category of human person for the basic question of when does life begin, the social-consequences school has imposed a very dangerous and a very humanistic dimension to the problem of abortion. We have reference to the dimension of social value. The social value, or the lack of it, accorded to that human life within the womb will determine whether a person is born into this world or whether an expendable human being is aborted. Regardless of the stage of development, the decision to call the conceptus a human person is to be made on the basis of the social consequences of that decision and that decision is made by the adult human beings who are involved in the situation. The unborn human life does not have a value of its own apart from that which may subjectively be conferred, or withheld, by those on the outside.

At least one corollary to be derived from the social-consequences approach to life has serious implications which should be considered. The principle of defining life as one wishes provides no philosophical basis for distinguishing between abortion and infanticide. The logic is unavoidable, and if followed consistently, would place in jeopardy the lives of the chronically ill, the elderly, the senile, and the handicapped, should their social value no longer be judged adequate.

In this school of thought there is an alleviation of any guilt which might have occurred for the woman when her abortion dilemma gave rise to conflicting values. If she, in her immediate circumstances, has a greater social value than the life within her womb, then in securing an abortion she has not sacrificed a personal being but has only made a rational value judgment to expel the product of her conception.

So what can be said about the beginning of life? A) A definite answer can be given that life begins at the moment of conception. B) The



question can be left developmentally open-ended with no definite conclusion as to when life begins. C) Life can be reduced to a very relative basis permitting the social values in a given situation to be decisive in the matter.

The humanist will consistently select positions B or C. The statement of James Prescott, a leader in the area of fetal research and a committed humanist, illustrates one of the possible net results of such a choice. He writes:

The product of conception during the first three months of gestation should be treated like any other bodily tissue of the woman, and surgical removal of such tissue should have the same medical and legal status as any other surgical tissue removed from the body. Thus, the mere fact of externalizing a three-month-old conceptus does not confer the status of human personhood upon such an externalized conceptus. The medical and legal rules governing the disposition of surgical tissue should apply to the conceptus during the first three months.

. . . It is our position that the externalizing of any previable fetus up to twenty-four to twenty-eight weeks of age does not confer personhood upon such a fetus.

. . . After viability the state may regulate and proscribe research on third-trimester fetuses under certain conditions but should not be given carte blanche to prohibit such research. . . . Maintaining physiological life of the aborted third-trimester fetus for a short period of time for the purpose of research should be permitted . . .<sup>53</sup>

Based upon the evidence presented in this chapter, it may be concluded that abortion is a trademark of our humanistic society.

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<sup>53</sup>James W. Prescott, "Ethical Issues in Fetal Research," The Humanist 35 (May/June 1975):37-38.



## CHAPTER II

### THE BIBLICAL WITNESS CONCERNING THE LAW OF LIFE

#### A General Survey of the Biblical Evidence Relative to God's Law

##### The Law is True

"But thou art near, O Lord, and all thy commandments are true" (Ps. 119:151). This testimony given by the Psalm writer is fundamental to our discussion of the Biblical witness concerning the Law of Life. It will be the working assumption in this chapter and throughout the remainder of the paper that, according to the Scriptures themselves, the Law (i.e. God's unchangeable will as expressed in the Ten Commandments) is true. Before we even begin to examine the Biblical witness it is our assumption that we are dealing with absolute truth. To move away from this premise is not only to deny the testimony of the text itself, but in effect to neutralize our thesis that the Law of Life is God's alternative to abortion.

The premise that the Ten Commandments are true derives from the Biblical claim that they are not of human derivation. They originate with God. In Exodus 20, where the Decalogue was first given to the people of Israel through Moses, the opening verse states: "And God spoke all these words, saying . . ." In Deuteronomy 5 the Decalogue is restated. Moses summarized the Mount Sinai incident and attributed divine origin to the Law with these words:



The Lord spoke with you face to face at the mountain, out of the midst of the fire, while I stood between the Lord and you at that time to declare to you the Word of the Lord; for you were afraid because of the fire, and you did not go up into the mountains. He said: . . ." (vv.4-5)

Any suggestion that divine utterance falls short of complete truthfulness militates against the very nature of God (cf. Ex. 24:12 and 2 Sam. 7:28).

These words of truth which God the Father has handed down in the Law have been fulfilled and kept perfectly by His Son, Jesus Christ. Jesus made that point very plain to His disciples in His Sermon on the Mount when He said: "Think not that I have come to abolish the law and the prophets; I have not come to abolish them but to fulfill them" (Matt. 5:17). In His discourse with the apostles in the upper room the night of His betrayal, Jesus reminded His companions: "If you keep my commandments, you will abide in my love, just as I have kept my Father's commandments and abide in His love" (John 15:10). The very fact that Jesus, the only-begotten Son of the Father, full of grace and truth (John 1:14) should understand that the Law applied to Him and was to be fulfilled by Him is a testimony of its enduring quality of truthfulness.

The evidence for this quality of the Law is strengthened by the fact that God the Holy Spirit has taught and preserved this Law, indeed, all that has been divinely spoken. Again, Jesus spoke assuringly to the apostles on that Maundy Thursday evening in these words: "But the Counselor, the Holy Spirit, whom the Father will send in my name, he will teach you all things and bring to your remembrance all that I have said to you" (John 14:26). If the Spirit is to teach us "all things" and remind us of "all" that Jesus said, this must also include the Law. By the written transmission of His will through the instrumentality of His



prophets and apostles, the Holy Spirit continues to teach us and to preserve for us His Law of truth (cf. 2 Kings 17:13, 2 Peter 1:21, and 1 John 3:24).

### The Law Gives Structure to Life in a Fallen World

The Law, as recorded in the Ten Commandments, has several functions, but here we are primarily concerned with the direction or the structure which it gives to our life. In the imperfect setting of our fallen world God's commandments continue to serve a very vital role. Even though it has been our rebellion over against the Law which has resulted in our imperfect and fallen condition, still we are to hear the exhortation of the Lord in the Scripture:

And these words which I command you this day shall be upon your heart; and you shall teach them diligently to your children, and shall talk of them when you sit in your house, and when you walk by the way, and when you lie down and when you rise (Deut. 6:6-7).

The Triune God is the God of order and He has made clear that He would have us order our lives according to the teaching of His Law. If the Law is to give the necessary structure to our life, it must be obeyed as well as taught. Joshua emphasized this to the Reubenites, the Gadites and the half-tribe of Manasseh as they were returning to their tribal inheritance on the east bank of the Jordan after assisting their fellow Israelites in the conquest of Palestine:

Take good care to observe the commandment and the law which Moses the servant of the Lord commanded to you, to love the Lord your God, and to walk in all his ways, and to keep his commandments, and to cleave to him and to serve him with all your heart and with all your soul" (Joshua 22:5).

The Law, as an expression of God's truth, should not deliberately be ignored in our lives. We are to teach that Law and to obey that Law



and, as the Law is giving structure to our lives, its precepts bring genuine delight. "Blessed is the man . . . (whose) delight is in the Law of the Lord." Psalm one gives a beautiful exposition of this delight and of the structure-giving function of the Law as opposed to "the chaff which the wind drives away" (v. 4).

As the embodiment of God's Law, the Ten Commandments provide our lives with guidance. How wayward and distracted our lives would become without a rule to guide us. That rule is summed up in the Decalogue. "For the commandment is a lamp and the teaching is a light" (Prov. 6:23; cf. Ps. 119:105). George Forell has captured this Christian perspective of the Law in the following statement:

These commandments deal with the various areas of life which God can transform for us through his grace . . . Through faith these commandments are changed from the accusing law to a description of the possibilities of the Christian life. They are no longer the terrifying study of what we must do for God, and cannot do, but rather, when looked at from the point of view of the Gospel, they become a description of what God can make out of our life if we let him.<sup>1</sup>

#### The Law in Relation to the Gospel

The enduring truth quality and structure-giving nature of the Law is best understood in relationship to the forgiving and recreating message of the Gospel. The doctrinal boundaries of God's revelation in the Scriptures are defined by this Law/Gospel dichotomy. In order to lay a well-constructed foundation that will enable us to have a clear perception of the Law of Life as God's alternative to abortion, deliberate stress has been given to the Law. But this should in no way be understood as a separation of the Law from the Gospel. The Law must be understood in the

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<sup>1</sup>George W. Forell, Ethics of Decision (Philadelphia: Fortress Press, 1955), p. 104.



full context of the Biblical message. The Law must be understood in terms of God's plan of salvation as executed by all three persons of the God-head. The gifted insights of Dr. C. F. W. Walther indicate that we are to distinguish between Law and Gospel without separating the Law from the Gospel. He wrote:

The point of difference between the Law and the Gospel is not this, that the Gospel is a divine and the Law a human doctrine, resting on the reason of man. Not at all; whatever of either doctrine is contained in the Scriptures is the Word of the living God Himself.

Nor is the difference, that only the Gospel is necessary, not the Law, as if the latter were a mere addition that could be dispensed with in a strait. No, both are equally necessary. Without the Law the Gospel is not understood; without the Gospel the Law benefits us nothing.<sup>2</sup>

Throughout this paper the Law is understood in its relationship to the Gospel. When the Law is broken, Jesus speaks His word of forgiveness in the Gospel. And to the forgiven, Jesus says "follow me," according to the Law. The prescriptive characteristic of the Law is binding and absolute even apart from the Gospel, but it is the power of the Gospel which not only forgives our transgressions but changes our attitude towards the Law. Because of the Gospel we do not fear the demands of the Law, but take delight in His Law for "the precepts of the Lord are right, rejoicing the heart; the commandment of the Lord is pure, enlightening the eyes" (Ps. 19:8).<sup>3</sup>

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<sup>2</sup>Dr. C. F. W. Walther, The Proper Distinction Between Law and Gospel (St. Louis: Concordia Publishing House, 1929), p. 6.

<sup>3</sup>The brevity of this portion of the paper is obviously in contrast to the full import of the Biblical theme of Law and Gospel. At this point the paper simply intends to clarify the fact that we cannot speak of the Law properly apart from the Gospel. The reader may wish to supplement this section of the paper with additional reading in Walther's The Proper Distinction Between Law and Gospel. Especially to be recommended are pp. 5-41.



The Fifth Commandment is Specifically  
the Life Commandment

The Life Commandment in Genesis  
and Related Scripture Study

All of God's commandments have application for our life. We have examined the Law in a general way to understand its truthfulness and the structure which it gives to our lives. We are now prepared to single out the Fifth Commandment as that Word of the Lord which gives substance to our thesis. As we focus our attention upon God's prohibition, "You shall not kill," we shall bring the full counsel of the Scriptures to bear upon this command for they establish the context in which these words are best understood. From the totality of the Biblical witness we can determine whether or not it is proper to regard the Fifth Commandment as the Life Commandment and therefore God's alternative to abortion.

We can make no better beginning than to go back to the beginning itself. From the first chapter of Genesis and continuing from that point with a multiplicity of other references, the Scriptures attribute life to God. Life is God-originated and God-designed. This fact alone would indicate that "the meaning of the Fifth Commandment is that human life, flesh-and-blood existence, must remain inviolate, to be touched by no one except God."<sup>4</sup>

In the Genesis creation account we are told that the eternal God-head took counsel together and said: "Let us make man in our image, after our likeness . . ." (1:26). The human creature whom the Lord God formed

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<sup>4</sup>Kurt Hennig, God's Basic Law, trans. George Williams (Philadelphia: Fortress Press, 1969), p. 124.



from the dust of the ground (2:7) was much more than just another biological manifestation of life but perhaps on a more highly developed scale. When God created them, male and female, He created them in His image (1:27). In the simplicity of this descriptive revelation there is contained a profound theological message. Herman A. Preuss, in his handbook on Christian living which he patterned according to the practical writing of Luther's theology, includes this observation concerning the image of God. He wrote:

Luther realized that out of the meager positive material in Scripture it is impossible to draw a complete picture of man in the image of God. A great deal of our information must come from what we know of the opposite side of the picture. For when we consider what we have lost, according to Scripture, we begin to realize how glorious was man in his original creation.<sup>5</sup>

God created man to be nothing less than a mirror of Himself, the Creator. The creature was to be a glorious reflection of his Creator. Man was given management responsibility over the whole of creation. He was invested with authority as of one who is second in command. He was even privileged to share in the on-going process of creation by means of his reproductive activity. In the celebration of God's glory, the psalmist could exclaim regarding man's physical existence and God-given dignity that "thou hast made him little less than God, and dost crown him with glory and honor" (Ps. 8:5).

But even beyond the bodily perfection of the physical nature, the record of man's creation in God's image implied that the human creature was given superior moral and spiritual endowments. When speaking to his friend Job, Elihu said that "it is the spirit in a man, the breath of the Almighty, that makes him understand" (Job 32:8).

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<sup>5</sup>Herman A. Preuss, A Theology to Live By (St. Louis: Concordia Publishing House, 1977), p. 68.



The moral character of the human creature was unblemished and pure at the time of creation. The Scripture reports that at the end of the sixth day "God saw everything that he had made, and behold it was very good" (Gen. 1:31).

Man was holy, his conduct was righteous, and his will was in harmony with his Maker's. We can properly assume that this was true in the beginning, before sin entered the world, when we hear the Lord telling Moses long after the Fall: "Say to all the congregation of the people of Israel, You shall be holy for I the Lord your God am holy" (Lev. 19:1).

To be made in the image of God suggested more than a form of life whose intelligence was greater than that of the animal world. God created man to be His representative upon the earth (Gen. 1:26-28), a creature with whom He would communicate in a bonded relation of fellowship and harmony, to be like Him in every way, and yet not identical to Him. The apostle James wrote that all human beings "are made in the likeness of God" (James 3:9). The Creator/creature distinction would be maintained.

This understanding of God's image is supplemented by the Apostle Paul. In writing to the church at Ephesus, he inferred what the image of God at first had been. These Christian believers were no longer to live as did the Gentiles with their darkened minds, but as they (the Ephesian Christians) had been taught in Jesus.

Put off your old nature which belongs to your former manner of life and is corrupt through deceitful lusts, and be renewed in the spirit of your minds, and put on the new nature, created after the likeness of God in true righteousness and holiness (4:22-24).

Paul then went on in succeeding verses to elaborate on the ethical implications of putting on this new nature which is "created after the likeness of God in true righteousness and holiness." In effect, Paul



was describing in the latter portion of this chapter the corrupted image of God, lost after man's fall into sin (Genesis 3), and the subsequent moral depravity resulting from this alienation and hardness of heart toward God.

But then Paul counters all of this. Speaking to those whom God has made alive, together with Christ (Eph. 2:4), the apostle exhorts them to put on the new nature. What had been lost is now, through the work of sanctification, in the process of being restored. This insight, revealed by the Spirit through the apostle, clarifies to a large degree what it meant to be created in the image and likeness of God. It was so vital to and so much a part of the original creation that God has chosen to restore it. God carefully created and eminently distinguished the life which He gave to man.

The Scriptures continually present this testimony. Again and again they attribute the gift of human life and the responsibility for that life to God alone. Moses, as he reviewed for Israel their history of the past forty years and of God's providential care and guidance through it all, spoke rhetorically and in very matter of fact terms when he said: "For ask now of the days that are past, which were before you, since the day that God created man upon the earth . . . whether such a great thing as this has ever happened . . ." (Deut. 4:32). Speaking with a voice of praise and thanksgiving, the psalmist declared: "It is he that made us and we are his" (100:3). And as a prayer of deliverance from personal enemies, Psalm 139 is elaborate in its detail of God's continuing creation through the new life which He forms in the womb. So pertinent are these words to the subject of this paper that we quote at length from the Psalm.



For thou didst form my inward parts, thou didst knit me together in my mother's womb.

I praise thee, for thou art fearful and wonderful. Wonderful are thy works. Thou knowest me right well.

My frame was not hidden from thee, when I was being made in secret, intricately wrought in the depths of the earth.

Thy eyes beheld my unformed substance; in thy book were written everyone of them, the days that were formed for me, when as yet there were none of them" (vv. 13-16).

From the prophet Malachi: "Have we not all one father? Has not one God created us?" (2:10) to St. Paul's sermon in the marketplace at Athens: ". . . he (God) gives to all men life and breath and everything" (Acts 17:25), the evidence is unanimous. Human life as we know it today is, and always has been and will be, the result of God's divine activity. Life is God's prerogative. By a special act of creation He first brought human life into existence. This was His will, and it is still His will. The evidence is overwhelming (cf. Gen. 5:2, 9:6; 1 Sam. 2:6; Job 33:4; Ps. 104:29-30; Prov. 22:2; Is. 51:13). The Triune God must indeed be called the Lord of Life.

An examination of the Biblical witness brings the sanctity of life sharply into focus. But ever since man's dreadful fall into sin the sanctity of life has been in jeopardy. After the Fall the protection of life became critical. When Cain killed his brother Abel, the Lord said to Cain:

What have you done? The voice of your brother's blood is crying to me from the ground. And now you are cursed from the ground, which has opened its mouth to receive your brother's blood from your hand (Gen. 4:10-11).

The destruction of that which the Lord had made did not go unnoticed or unpunished. The innocent blood of Abel cried out as it were for vindication. The first murder recorded in history brought God's curse down upon Cain. The sanctity of life had been violated. When man willfully and



selfishly destroys another human life, he has elevated himself to the position of deity, assuming control, by means of violence, over that which he did not create.

We can recall that after the Lord had safely delivered Noah and his family from the ark following the great flood, He had some very exact words to say regarding the preservation of life and the penalty for its deliberate interruption by others. To Noah and his sons God said: "Whoever sheds the blood of man, by man shall his blood be shed; for God made man in his own image" (Gen. 9:6). Though severely damaged by the corruption of sin, we see that God still regarded His image as sufficient reason for life to remain sacred and untouched. To shed human blood was not simply the termination of a physical being, it was nothing less than a vicious attack upon God Himself who has shared His image with every human creature. Anyone who took it upon themselves to shed human blood was to receive the same consideration in return. The taking of a human life is thus regarded as an attack upon the Creator and it is the Creator who declares that such individuals have forfeited their right to live. Their punishment would be equal to their sin.

For all practical purposes, Gen. 9:6 is an amplified version of the Fifth Commandment in its earliest written form. God invoked a principle here which He has never revoked. Very literally translated, God established the Law of Life. He placed a protective barrier around His creature, whose value was precious because of His own image. That which had His most sacred design was to be preserved, and upon those who would disobey this Law the most severe penalty was to be imposed--the loss of their own life. Here we have the beginning of the Biblical base both for capital punishment and the Law of Life.



This earliest reason for capital punishment (Gen. 9:6) is because murder is an insult to God. A man has been treated as though he were a thing, with which one can do what one likes, and not a person, unique and unrepeatable, bearing in his life not only an inheritance from his parents, and a capacity for fellowship with them, but an inheritance from God and a capacity for fellowship with Him.<sup>6</sup>

#### The Codification of the Law

This initial prescription for the sanctity and preservation of human life in Gen. 9:6 leads us to the formal codification of the Law of Life. On Mount Sinai, some three months after the Exodus event, God spoke to Moses the words of the Decalogue (Exodus 20). Later he would write them for him upon tablets of stone (Exodus 24). As first recorded in Ex. 20:1-17 and then repeated in the second giving of the Law in Deut. 5:6-21, the Ten Commandments were God's call to obedience.

The Ten Commandments represent something different from the non-existent universal moral code of man. They do not call us to morality but to something much more important--to obedience. Obedience to God's command and to his established order is not produced by our own customs of a particular era or a particular culture. Obedience is not bound to environmental conditions. It is bound to a choice. When we decide for God, and not just "that there is a God," such obedience is unconditional, because it is obedience to the only Absolute there is--to God. The Ten Commandments are God's call to obedience, for in them it is God himself who speaks.<sup>7</sup>

The call to obedience in the Decalogue begins with obedience to our Creator, Redeemer and Sanctifier. The call to obedience, however, extends not only to our vertical relationship with the Almighty, but also on a horizontal plane to our thoughts, words, and actions over against the rest of God's creation. Speaking to His people through Moses, the Lord said:

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<sup>6</sup>H. G. G. Herklots, The Ten Commandments and Modern Man (Fair Lawn, N.J.: Essential Books, Inc., 1958), p. 100.

<sup>7</sup>Hennig, God's Basic Law, p. 6.



"You shall love your neighbor as yourself: I am the Lord" (Lev. 19:18). For the purposes of our paper the point should be clear. Reverence for the Lord of Life is inseparable from a reverence for the life which He creates. The God of all creation has included in the Decalogue a Life Commandment and again we are called to obedience. The codification of God's immutable will has established for us the Fifth Commandment, or to be more precise, the Law of Life.

In Ex. 20:13 and in Deut. 5:17 the identical command is set forth: "You shall not kill." There are ten different Hebrew words which have reference to the taking of life. A detailed concordance study indicates an overlapping of definitions and a great similarity among many of the words. But the Hebrew word which is used in the legal code of Exodus and Deuteronomy is never employed regarding animals, nor is it used of death in warfare or by edict of the state. The word is transliterated ratsach, meaning to murder, to kill, to slay, and the action is understood to be premeditated. The word seems to refer to any kind of willful action perpetrated against another individual which results in the loss of life, specifically "illegal killing inimical to the community."<sup>8</sup> The Septuagint equivalent to ratsach is phoneuo, one of six Greek words meaning to take away life.

The Law of Life is not vague. Its meaning is not uncertain. Murder is forbidden. Excluding those situations where individuals may be required to take another life as part of their responsibility in bearing arms for the state or in situations of self-defense (extending that concept

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<sup>8</sup>Johann Jakob Stamm and Maurice Edward Andrew, The Ten Commandments in Recent Research, trans. Maurice Edward Andrew for Studies in Biblical Theology, Series No. 2 (Naperville, Ill.: Alec R. Allenson, Inc., 1967), pp. 98-99.



to include the family or neighbors or friends), the Fifth Commandment is unequivocal. The Law of Life, although using prohibitive language which forbids aggressive and selfish behavior whose end result deprives someone else of the right to live, is a declaration of the sanctity of life. The Fifth Commandment is in principle a statement that life shall be preserved; life is here placed beneath the protective umbrella of God's Law. He reserves for Himself the right to take life (Job 1:21), but the Law of Life restricts everyone else from such action. The Fifth Commandment undergirds the sanctity of life inherent in God's very act of creation. That which He has created, that which already is, He would preserve and protect with the Law of Life. B. A. Maurer made this point when he wrote:

We might paraphrase that positively (Fifth Commandment): Let each human life, because it is God-given, be sacred, precious, untouchable to you; let each human being live out fully the number of days that God allots to him without any interference, no matter how little, on man's part . . . . Here God, as it were, is placing His protecting hand on every human head and declaring: "Hands off! Untouchable, forbidden ground! I gave this life; I alone have the right to recall it; let no one trespass on My divine prerogative of setting the bounds of life; let no one decrease by so much as a single hour the life span I allot to him."<sup>9</sup>

In order that our discussion of the Fifth Commandment might be comprehensive in nature, we must now move further into the Scriptures. We should have an understanding of this commandment both in its narrow sense and in its broad sense.

#### The Narrow Understanding of the Fifth Commandment as a Prohibition against Murder

We have already begun to touch upon the Fifth Commandment in its narrow sense. Narrowly defined, the specific purpose of this commandment

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<sup>9</sup>B. A. Maurer, The Ten Commandments Will Not Budge (St. Louis: Concordia Publishing House, 1951), p. 38.



forbids murder. This is the obvious meaning of the words in both Ex. 20:13 and Deut. 5:17, and that theme is repeated throughout the Old and New Testaments. In a segment of Israel's social and cultic laws, the Lord in effect restated the Fifth Commandment when He said: ". . . and do not slay the innocent and righteous, for I will not acquit the wicked" (Ex. 23:7). We learn that later on the Lord instructed Moses to establish six cities of refuge as sanctuaries that would preserve the life of one who accidentally and unintentionally killed his neighbor with whom he had not been at enmity. So that no avenger would be able to take this man's life, the cities of refuge were to be a haven of safety, "lest innocent blood be shed in your land which the Lord your God gives you for an inheritance, and so the guilt of bloodshed be upon you" (Deut. 19:10). Innocent blood was not to be shed. That most basic consideration of the Fifth Commandment was evident in the question which Jonathan put to his father, King Saul, when in defense of David's life he asked: ". . . why will you sin against innocent blood by killing David without cause?" (1 Sam. 19:5). The phrase "innocent blood" frequently appears in the Old Testament either as a description of that which was shed when the Fifth Commandment was violated, or as a reiteration of the commandment's basic preservative nature.

In the New Testament we learn that Jesus quoted the Fifth Commandment, among others, when a rich young ruler wanted to know which commandments he had to keep in order to have eternal life (Matt. 19:18; Mark 10:19; Luke 18:20). The Apostle Paul devoted a portion of his discourse on the Christian and the state to the Christian's relation to his neighbor as expressed in the Law. Again the Fifth Commandment is quoted (Rom. 13:9). And the Apostle Peter, in his exhortation concerning the Christian's



obligation during the fiery ordeal of persecution, remarks: "But let none of you suffer as a murderer . . ." (1 Peter 4:15).

But the New Testament does more than echo the Fifth Commandment, as important as that echo is. Here we also learn that this sin is no mere surface wound subject to cosmetic repair. Its Satanic origin has deep roots in the base nature of fallen man. We begin to learn this from one of the many controversies which Jesus had with the Jews, in this instance Jews who sought to kill him:

Why do you not understand what I say? It is because you cannot bear to hear my word. You are of your father, the devil, and your will is to do your father's desires. He was a murderer from the beginning and has nothing to do with the truth, because there is no truth in him (John 8:43-44).

Elsewhere, Jesus further states that murder proceeds out of the heart (Matt. 15:19; Mark 7:21). It begins as an evil thought which is then translated into the act itself. Paul adds to our understanding when he writes that the base mind of the godless is full of envy, strife, murder, and so forth (Rom. 1:29).

Against this background we must perceive that the Law of Life in its narrow sense is necessitated by man's utter perversity. This command is not simply a pious sentiment or a noble suggestion on God's part. The injunction is imperative--"You shall not kill!"--and it has implications that reach back all the way to Satan's original deception in the Garden of Eden. Man is not to yield himself to Satan, who from the beginning was a murderer. Man is to resist the base desires of his corrupted human nature ("out of the heart proceeds . . ."). The commandment is true, whether acknowledged and upheld to be so or not. Ignorance or reinterpretation notwithstanding, the Law of Life has universal validity.



But its truth can never be honored unless the unpleasant context of this command is fully set forth, namely, the Satanic influence of the Tempter upon the depravity of man's human nature. And that context proves devastating to all of humanity. Without actually taking life, before such an act has ever been committed, the commandment has already been broken. The Apostle John has indicated how far reaching the narrow thrust of this commandment is when he wrote: "Anyone who hates his brother is a murderer, and you know that no murderer has eternal life abiding in him" (1 John 3:15; cf. Matt. 5:21-22).

The Fifth Commandment not only forbids the willful taking of life, either by direct or indirect means, and murders of revenge, but also murderous emotions, grudges and hatred. While the prohibition of the commandment intends to protect and preserve human life, it also becomes an indictment against all of us for what we are by nature. St. Paul, quoting from the Old Testament, describes for us the nature of all mankind and what a travesty our conduct has been as a result. The apostle writes:

I have already charged that all men, both Jews and Greeks, are under the power of sin, as it is written: "None is righteous, no not one; no one understands, no one seeks for God. All have turned aside, together they have gone wrong; no one does good, not even one." "Their throat is an open grave, they use their tongues to deceive." "The venom of asps is under their lips." "Their mouth is full of curses and bitterness." "Their feet are swift to shed blood, in their paths are ruin and misery, and the way of peace they do not know." There is no fear of God before their eyes." (Rom. 3:9-18)

#### The Gospel Factor--an Elevation of Life

But let us repeat, this indictment does not invalidate the Law of Life as a truthful proposition so that we need no longer uphold it. Nor does it leave the sanctity of life precariously perched out on some proverbial limb. Here we must take careful note of the Gospel. In the



Gospel God is at work to lift from all mankind the penalty of judgment for his lawlessness and his disregard for life. At the same time the message of the Gospel serves to further enhance the value of life. The very personification of the Gospel is Jesus Christ, who said of Himself: "I am the way, and the truth, and the life" (John 14:6); "I came that they may have life and have it abundantly" (John 10:10).

A redemptive mission brought Christ to this earth. He came to redeem us from the curse of the Law (Gal. 3:13). The Father's redeeming love dictated that none would perish who believed in His Son (John 3:16). The prophet Isaiah has recorded those precious words of the Gospel and its redemptive message when he wrote: "But now, thus says the Lord, he who created you, O Jacob, he who formed you, O Israel: Fear not, for I have redeemed you" (43:1). What God has created, even though His creatures have rebelled, He determined to redeem. He has offered the supreme sacrifice when He gave up His own Son for us all (Rom. 8:32). He spared nothing, and the redemptive work of Christ is now complete. In the vision given to St. John, the four living creatures and the twenty-four elders were seen to fall down before the Lamb as they sang a new song: "Worthy art thou to take the scroll and to open its seals, for thou wast slain and by thy blood didst ransom men for God . . ." (Rev. 5:9). The redemptive death of the crucified Christ who took upon Himself the sins of all the world is a powerful Gospel proclamation bearing witness to the sanctity of life.

But the Gospel says more and the point is underscored. Paul wrote in his epistle to Titus: " . . . (Jesus) gave himself for us to redeem us from all iniquity and to purify for himself a people of his own who are zealous for good deeds" (2:14). Our Savior's redemptive work has prepared



the way for a life of sanctification. Purified as His people, our life has been sanctified for a God-given purpose beyond itself. We are called upon to offer our bodies as a living sacrifice unto the Lord (Rom. 12:1). Paul effectively argued that the Christian life of sanctification must involve a recognition that the body is no longer our private property to do with as we please. The controlling ownership has been transferred out of our hands. To the church at Corinth, where the correct use of the sanctified body was somewhat absent and serious problems had been created, the apostle wrote: "Do you not know that your body is a temple of the Holy Spirit within you, which you have from God? You are not your own; you were bought with a price. So glorify God in your body" (1 Cor. 6:19-20). The call to sanctified living highlights again the inviolate nature of that which God has created and which He would protect by the Law of Life.

And to complete the Gospel's sanction concerning the value of life, we are reminded of the infinite pinnacle which Christ has promised to the redeemed and sanctified of His flock. Deeply profound are the words which He spoke to inquiring Jews the day after the feeding of the five-thousand: "For this is the will of my Father, that every one who sees the Son and believes in him should have eternal life; and I will raise him up at the last day" (John 6:40). Destined for eternal life are all those who believe in the Son. Here we have the ultimate! All of His saints will inherit this life which never ends by virtue of the declaration which Jesus alone could make and fulfill: "I am the resurrection and the life; he who believes in me, though he die, yet shall he live, and whoever lives and believes in me shall never die" (John 11:25-26).



The curse of the Law was upon us as lawbreakers, and that curse is death, death in its eternal dimension of unending torment and separation from the Lord. But having become the beneficiaries of God's undeserved mercy in Christ, all of that has changed. Where there was eternal death there is now the promise of everlasting life, a promise guaranteed by the victorious resurrection of Christ Himself. Our restoration is full and our life is complete. With great confidence St. Paul could speak: "For we know that if the earthly tent we live in is destroyed, we have a building from God, a house not made with hands, eternal in the heavens" (2 Cor. 5:1), and again: "But our commonwealth is in heaven, and from it we await a Savior, the Lord Jesus Christ, who will change our lowly body to be like his glorious body . . ." (Phil. 3: 20-21).

God created man to live and as God's elect we indeed shall live-- forever! The Gospel has spoken with clarity! This is the definitive word! God's indelible stamp of divine approval has again made its mark. Every question concerning the value of human life should be erased when we learn what God in Christ has earned for us and given unto us. Human life is such a precious commodity that our Lord has prepared a place for us (John 14:2-3) where our resurrected bodies will go on living a life that never ends. The quest for immortality must end precisely where the Gospel begins, with God our Savior, "who desires all men to be saved and to come to the knowledge of the truth" (1 Tim. 2:4). It should be understood that this supreme elevation given to human life, as proclaimed in the Gospel, is universal in scope. The message of the Gospel and the sanctioning value which it has placed upon human life is not something



intended to have application only for some privileged elite or some particular few. The message is for all who will hear and believe it (Luke 11:28). This is the Word of Life which God would have proclaimed to all humanity. In the light of the Gospel, the Fifth Commandment in its narrow sense teaches an unretractable truth.

#### The Broad Understanding of the Fifth Commandment as a Product of the Gospel

Equipped with this Gospel background we are now ready to examine the broad sense of the Fifth Commandment. George Forell writes:

The fifth commandment, looked at as law, is merely the prohibition against taking human life. As such it belongs with the natural law which we . . . believe to be written into the hearts of all men. But for the life under the Gospel the fifth commandment is no longer "natural law," but the description of the way in which our Christian faith can and must be lived in the local, the national and the international community. If we are the disciples of our Lord Jesus Christ, it is not enough "not to do our neighbor any bodily harm or injury." We will show that the love of Christ is in our hearts by "assisting and comforting him in danger and want."<sup>10</sup>

The motivation and the truth of the Gospel compel us toward positive action. The Fifth Commandment as the Law of Life is not an injunction of neutrality, a live and let live kind of policy. The broad sense of this commandment is best captured by Jesus Himself when He summarized the Law in two commandments for a Pharisee lawyer (Matt. 22:34-40; Mark 12:28-34; Luke 10:25-28). The first and great commandment calls us to love our God with the undivided loyalty of our heart, soul, and mind (cf. Deut. 6:5). And He said the second was like it: "You shall love your neighbor as yourself" (cf. Lev. 19:18). An active, expressive love directed toward the bodily needs and welfare of our neighbor--this is the

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<sup>10</sup>Forell, Ethics of Decision, p. 127.



broad sense of the Fifth Commandment. It has a sweeping context. We are not simply to permit our neighbor to live, but as the love of Christ controls us we are to exhibit a commitment of concern for him. Since God's determination of eternal value has been placed upon all human life, we are obligated to manifest a spirit of kindness, to be involved in the lives of others, to genuinely exercise ourselves on behalf of our neighbor as a helper and defender in every bodily need. The Law of Life can very properly be called the Law of Love, and that Law has placed upon us positive responsibilities which intertwine our life with the rest of humanity.

This broad spirit of the Fifth Commandment is illustrated or expressed in numerous references throughout the Scriptures. We see the Law of Life in Abraham's good will toward his greedy nephew Lot and later in his rescue efforts and prayer of deliverance (Genesis 13, 14, 18); in the exemplary kindness of Jonathan toward David (1 Samuel 20), and David's subsequent generosity toward Mephibosheth, Jonathan's younger crippled brother (2 Samuel 9); in the young, captive Israelite maiden who was instrumental in leading Naaman the leper to the prophet Elisha (2 Kings 5); and in the Judgment scene where the elect are commended by the Lord for serving Him as they served others (Matthew 25). In these and a host of other examples we see attitudes and actions of self-giving love--the Law of Life in action.

And so we are not surprised when we read St. Paul's exhortation to the Galatians: "Bear one another's burdens, and so fulfill the law of Christ" (6:2). This is but a restatement of the summary commandment, "You shall love your neighbor as yourself," and as suggested both in the Judgment scene (Matthew 25) and by the Apostle James in his epistle (1:27),



the unloved, the neglected and the helpless are to be among those who are the objects of our love.

But of course this motivating love which properly implements our obedience to the Law of Life is not of ourselves. It is as the Apostle John wrote: "Beloved, let us love one another; for love is of God, and he who loves is born of God and knows God" (1 John 4:7). God's love, poured into our hearts by the Holy Spirit (Rom. 5:5), enables us to take seriously the broad dimensions of the Fifth Commandment.

#### Abortion and the Biblical Witness

Our examination of the Biblical witness concerning the Law of Life has thus far clearly established why life is important. Life is important because it is purely an act of God's gracious creation and therefore irreplaceable by human hands. Life is important because it is a reflection of the holy purpose of God's sanctifying Spirit. Having now understood the truthfulness and the goodness of the Law in general, and how the Law of Life functions specifically in its narrow as well as in its broad sense, according to the Law/Gospel dichotomy, we are prepared to conclude this chapter with a very critical aspect of our study. All that has been said up to this point bears directly upon the problem of abortion. We have only to make the application as our discussion of the Law of Life is refined to the question of abortion and the Biblical witness.

The Biblical witness does more than affirm the sanctity of life; it also demands that the unborn fetus be included in our estimation of human worth. Although the Scriptures do not confront directly the kind of abortion situations that were described in the first chapter, there are a number of important references that deserve careful consideration.



## A Study of Exodus 21:22-25

In Ex. 21:22-25 reference is made to a scuffle, or what today might be called a fist fight, between two men; in the midst of their conflict the pregnant wife of one of the men tries to intervene and is somehow struck or bumped by the other man. The passage has become somewhat controversial in its interpretation because of what follows this incident. Did the contact sustained by the woman cause her to go into early labor and to deliver a child that lived even though born somewhat prematurely, or did the woman simply miscarry and lose the child? The translation which is given to the Hebrew root words that appear in this text, yatsa yeled (here used in the plural), will determine the answer to that question and dictate how we are to understand the lex talonis (law of revenge) which concludes this brief pericope.

When translated, verse twenty-two of the text would read:

If men struggle together and hit a woman with child and her children come out (yatsa yeled) and there is no harm, the one who hurt her shall be fined, according as the woman's husband shall lay upon him; and he shall pay as the judges determine.

The critical phrase in this passage is contained in the words: " . . . and her children come out and there is no harm . . ." It is at this point in the text that most commentaries and translations, e.g. The Interpreters Bible, the Revised Standard Version, the New English Bible, the Jerusalem Bible, render the Hebrew to say: " . . . so that there is a miscarriage and yet no harm follows." Such a translation becomes an interpretation which says that the loss of the child was inconsequential as long as no harm occurred, by implication, to the mother.



The passage goes on to require a fine to be paid by the man who caused the woman to deliver prematurely, a fine which the woman's husband would assess. Again, if the woman has been caused to miscarry and therefore has lost her child, the assessment of a monetary fine seems to be only a token gesture for the inconvenience that has resulted, while at the same time placing a very low esteem upon the loss of the child.

But the reference concludes: "If any harm follows, then you shall give life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, stripe for stripe" (vv. 23-25). According to the miscarriage interpretation, where there was no harm and a fine was paid, the thought continuation would suggest that the woman received an injury from which she did not recover, and in return for her life the man responsible for her death was to lose his life. With this approach to the text, the penalty for the miscarriage is in no way equivalent to that of taking the mother's life. It may then be argued by those who believe that the Bible does not forbid abortion that since there was no "life for life" when the mother miscarried but only when she lost her own life, therefore the Biblical witness does not support the thesis that the unborn-fetus is to be regarded as a fully human life. Such is the argument set forth by Bruce K. Waltke, professor of Semitics and Old Testament at Dallas Theological Seminary, Texas. He writes:

A married man and woman in Old Testament times seem to have had five means of limiting family size: abortion, sterilization, infanticide, continence, and contraception by withdrawal. . .

The Law plainly exacts: "If any man kills any human life he will be put to death" (Lev. 24:17). But according to Ex. 21:22-24, the destruction of a fetus is not a capital offense. . . Clearly, then, in contrast to the mother, the fetus is not reckoned as a soul. The money compensation seems to have been imposed not to protect the fetus but rather to compensate the father for his loss.



. . . The Old Testament . . . never reckons the fetus as equivalent to a life.<sup>11</sup>

But we must stress that all of this hinges upon a non-textual inference based upon the translation of yatsa yeled as "miscarriage." Both the inference and the translation must be rejected for three reasons. First, sound hermeneutical principles demand that unless the context or grammar indicated otherwise, yatsa yeled should be literally translated so that the text would read: "and she delivers her children" or "she gives birth to her children."

In a somewhat stilted expression the King James Version seemed to offer the most textual translation: "and her fruit departs from her." In other words, the pregnant woman received a blow and she went into labor ahead of the natural process, and as a result her child was (or her children were) born earlier than expected. But, as the reference continues, "there was no harm," i.e. though premature, the child or children lived. Only for the trauma such an incident undoubtedly caused the mother would a fine then be assessed. Understanding that a live birth could have taken place under these circumstances in spite of the injury, the remainder of this passage leaves open the other possibility that harm could have come to the woman following the blow which she sustained. The text itself does not specify who was harmed--the mother, the child, or both--but since a literal translation of the first circumstance leads to the conclusion that initially no one was harmed, followed by a different set of circumstances, "if mischief there is" (im

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<sup>11</sup>Bruce K. Waltke, "The Old Testament and Birth Control," Christianity Today 13 (November 8, 1968):3-4.



ahsohn hava), either or both of the individuals may have subsequently lost their life, and the penalty to be enforced is life for life (nephesh) tachath nephesh).

Our second reason for rejecting the "miscarriage" interpretation deals with the fact that yatsa yeled is never translated as miscarriage in any other reference. When Rebekah was about to deliver her twin sons, Esau and Jacob, the text reads: "When her days to be delivered (yalad, verb stem of yeled) were fulfilled . . . The first came forth (yatsa) red, . . . Afterward his brother came forth (yatsa) . . ." (Gen. 25:24-26). In his affliction, Job spoke of his birth and said: "Naked I came (yatsa) from the womb . . ." (1:21). And later he lamented: "Man that is born (yalad) of a woman is of few days and full of trouble. He comes forth (yatsa) as a flower, and withers, he flees like a shadow and does not continue" (14:1-2). The Messianic King foretold by Isaiah would not be miscarried: "There shall come forth (yatsa) a shoot from the stump of Jesse, and a branch shall grow out of His roots. And the Spirit of the Lord shall rest upon Him . . ." (11:1-2). And in one of his despairing but living moments Jeremiah asked: "Why did I come forth (yatsa) from the womb . . . ?" (20:18). We must conclude that while there is no precedent in the Old Testament for translating yatsa yeled as miscarriage, there is sufficient evidence to indicate that the yeled which yasat were at that particular point in time alive and well.

Our third reason for rejecting the "miscarriage" interpretation is very simple and basic. If this is what the text intended to say, it would have been said very unambiguously. The troubled Job desired such a thing and expressed it this way: "Why did I not die from birth;



from the womb come forth and expire (yatsa gava)" (3:11). The same kind of expression could have been used in Exodus and the meaning would have been clear that the mother lost her child as a result of the injury she incurred. Or with even more precision, the text could have used the word shakol, which does mean miscarry, and was so used by the prophet Hosea when he wrote of the punishment that would come upon Ephraim: "Give them, O Lord . . . a miscarrying (shakol) womb . . ." (9:14).

On the basis of this evidence, and supported by the distinguished Hebrew scholar Umberto Cassuto in his Commentary on the Book of Exodus,<sup>12</sup> and the commentators Keil and Delitzsch in the second volume of their Pentateuch,<sup>13</sup> we must conclude that Ex. 21:22-25 has placed a premium value upon the human embryo or fetus by requiring life for life should someone be responsible for its death. If such a penalty is to prevail even when the circumstances are the result of carelessness, neglect, or an accident of some sort, and not maliciously intended, as the text would suggest, then surely the passage would also be emphatic in its strict prohibition of any deliberate acts of abortion. Rousas John Rushdoony adds this further commentary on the passage when he writes:

The importance of Exodus 21:22-25 becomes all the more clear when we realize that this is case law, i.e., that it sets forth by a minimal case certain larger implications. Let us examine some of the implications of this passage: First, very obviously, the text cites not a case of deliberate abortion but a case of accidental abortion. If the penalty for even an accidental case is so severe, it is obvious that a deliberately induced abortion is very strongly forbidden. It is not necessary to ban the penalty for even an accidental

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<sup>12</sup>Umberto Cassuto, Commentary on the Book of Exodus, trans. Abrahams (Jerusalem: Magnes Press, The Hebrew University, 1967), pp. 274-278.

<sup>13</sup>C. F. Keil and F. Delitzsch, Pentateuch, trans. James Martin, vol. II (Edinburgh: T & T Clark, 38 George Street, 1891), pp. 134-135.



abortion is death. If a man who is in the course of a fight, unintentionally bumps a pregnant woman and causes her to abort, must suffer the death penalty, how much more so any person who intentionally induces an abortion?<sup>14</sup>

### "To Conceive" is to Bear a Child

In addition to the anti-abortion thrust of Ex. 21:22-25, there is another Old Testament concept which precludes the possibility of an abortion. We have reference to the concept, "to conceive and bear a son." In the Hebrew mind there could apparently be no separation between the act of conceiving in the womb and what would later develop, mature and finally be born in terms of a child. Conception and birth, according to the Biblical data, were regarded as a unit and were not distinguished.

To demonstrate the point, we read that: "Sarah conceived and bore (harah yalad) to Abraham a son (ben) . . ." (Gen. 21:2). "Leah harah yalad ben . . ." (Gen. 29:32, 33, 34, 35). The birth of Moses is set forth in the same terms when it says of his mother: "The woman harah yalad ben . . ." (Ex. 2:2). A host of similar references could be compiled, all of which would underscore the unity ascribed to conception and birth. The product of conception was not some kind of an amorphous being whose existence was undefined and in limbo and therefore subject to termination at any time throughout the gestation period. "To conceive" was synonymous with giving birth to a child. This Hebraism can be found in two very important New Testament references as well. The angel Gabriel informed Mary: "And behold, you will conceive in your womb and bear a son (sullambano en gaster kai tikto huios) . . ." (Luke 1:31). Gabriel

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<sup>14</sup>Rousas John Rushdoony, The Institutes of Biblical Law (The Craig Press, 1973), pp. 263-264.



also announced to Mary that her cousin, Elizabeth, had "conceived a son (sullambano huios) . . ." (Luke 1:36). The Biblical text will not allow for the possibility of interjecting an abortion rationale into the picture sometime after conception and before birth on the assumption that what is conceived is not yet human life. Conception and birth are distinguishable elements of a single process.

#### Personal Life in the Womb

The Biblical witness offers many clear references to the fact that personal life is present in the womb. Samson's mother related to her husband what she had been told by the angel of the Lord. She first was told that she would "harah yalad ben . . . for the boy shall be a Nazirite to God from the womb (beten) to the day of his death" (Judg. 14:6-7). In other words, while still in the womb Samson was already a Nazirite. His special status had a prenatal beginning. Could this woman have been pregnant with a Nazirite and yet without human life in her womb? Those who discount the possibility of personal life within the womb must answer that question.

Job, in reviewing his past conduct toward his servants, asked: "Did not he who made me in the womb (beten) make him (his servant)? And did not one fashion us in the womb (racham)" (31:15)? Notice that personal pronouns are ascribed to that which God made in the womb. This was surely the case with the prophet Jeremiah as the word of the Lord came to him saying: "Before I formed you in the womb I knew you, and before you were born I consecrated you; I appointed you a prophet to the nations" (1:5). The Lord knew the embryo Jeremiah; He consecrated the fetus Jeremiah; the unborn child was appointed to be a prophet.



There can be little argument that before she delivered her son, Jeremiah's mother carried in her womb a human life which had been ascribed personal quality and worth.

A number of other pertinent references which address this point should also be mentioned. In speaking words of acclamation to the Lord the psalmist declares: "For thou didst form my inward parts, thou didst knit me together in my mother's womb. I praise thee, for thou art fearful and wonderful. Wonderful are thy works" (139:13-14). The writer of this Psalm declares that God formed his person in the womb and knew his character from the time of conception.

The prophet Isaiah has recorded the words of the Lord as he directed them to the people of Israel:

But now hear, O Jacob my servant, Israel whom I have chosen! Thus says the Lord, who made you from the womb and will help you . . . Thus says the Lord, your Redeemer, who formed you from the womb: I am the Lord who made all things . . . (44:1-2, 24).

We discover again the recurring testimony that the Lord "made" and that He "formed" personal life while that life was still in the womb.

In the New Testament some well-known figures are personally identified already during their pre-natal stage of life. The angel Gabriel announced to Zechariah that his wife Elizabeth would bare a son named John who would "be filled with the Holy Spirit even from his mother's womb" (Luke 1:15). In other words, the Holy Spirit would be at work in the person of John before that person was born.

Likewise, St. Paul, in vindicating his apostleship to the Galatians, affirmed God's work in his personal life prior to birth. He wrote: "But when he who set me apart before I was born, and had



called me through his grace, was pleased to reveal his Son to me . . ." (Gal. 1:15-16).

The reader may wish to examine a scattering of other references throughout the Scriptures relative to this same point (cf. Ps. 22:9, 51:5, 71:6; Eccl. 11:5; Is. 49:1, 5; Hos. 12:3). The cumulative testimony of the Scriptures concerning the reality of personal, pre-natal life would seem to be incompatible with many of the arguments favoring abortion. Clifford Bajema has addressed this point when he wrote:

Personhood, biblically understood, does not rest on the slush of definition; it stands on the rock of fact--the fact that man is created in the image of God and in that fact protected from the abortionist or from any other man seeking to lower the price tag on his life.<sup>15</sup>

#### The Use of pharmakeia

Finally, we call attention to a New Testament reference that carries with it anti-abortion overtones, although these are rarely expounded and are not discernible in most English translations. The reference is in Galatians 5 where St. Paul speaks concerning the works of the flesh which conflict with the law of love and the desires of the Spirit. In the works of the flesh, Paul included not only "immorality, impurity, licentiousness, idolatry, etc." but also "pharmakeia" (vv. 19-20). Most English translations render this Greek word as "sorcery" or "witchcraft" because these evil practices were largely devoted to the use of various drugs and potions. Literally translated, pharmakeia means "medicine" or "poison," a drug which could have either a beneficial or a harmful effect, as determined by the context.

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<sup>15</sup>Clifford E. Bajema, Abortion and the Meaning of Personhood (Grand Rapids, Mich.: Baker Book House, 1974).



This understanding of the word is important for our discussion. Paul may well have had reference to more than occult practices. The term may be taken to refer to ancient abortion procedures accomplished by the use of potent drugs whose effect would be similar to the saline injection method already explained in the previous chapter. John Noonan would amplify this when he writes:

Paul's usage here cannot be restricted to abortion, but the term he chose is comprehensive enough to include the use of abortifacient drugs. The association of these drugs with sins of lechery and wrath was indeed a constant aspect of the Christian approach to pharamaka (the drugs employed).<sup>16</sup>

There is support for this position. The Didache, a writing of the early apostolic fathers (90-100 A.D.), definitely prohibits the practice of abortion (phtora). In this early and highly regarded statement from Syria of Christian principles, a list of precepts were given which included the following:

Thou shalt not kill. Thou shalt not commit adultery; thou shalt not corrupt boys; thou shalt not commit fornication. Thou shalt not steal. Thou shalt not use witchcraft; thou shalt not practice sorcery. Thou shalt not procure abortion, nor shalt thou kill the new born child. Thou shalt not covet thy neighbor's goods.<sup>17</sup>

The real significance of this passage is in the relationship of the various prohibitions. "Thou shalt not practice sorcery (pharmakeia)," immediately precedes "thou shalt not procure abortion (phtora)."  
Recognizing that the Greek vocabulary is the same as that used by Paul, and that here in the first century of the early church abortion was ranked as a principal sin and included with those sins expressly named

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<sup>16</sup>John F. Noonan, "An Almost Absolute Value in History," in The Morality of Abortion, ed. Noonan (Cambridge, Mass.: Harvard University Press, 1970), p. 9.

<sup>17</sup>The Teaching of the Twelve Apostles, translated by Philip Schaff (New York: Funk and Wagnalls, 1890), 2:2, pp. 168-169.



in the Ten Commandments, it is possible to conclude that Paul may well have had abortion specifically in mind when he wrote to the Galatians about sins of the flesh.

### Conclusion

Having examined the full scope of the Biblical witness to the Law of Life, we can determine that the Scriptures speak conclusively of the sanctity of life. And we would expect no less, since He who has created and redeemed, and who would sanctify, all human life, is the same who speaks in the Scriptures. The practice of abortion is not compatible with the Biblical witness to the Law of Life. The act of abortion is a most exaggerated denial of all that is represented by the Law of Life. Not only does the Fifth Commandment in its narrow sense strictly forbid such an action, but the broad sense of this commandment would compel us to be defenders of the unborn and to demonstrate our love for God's gift of life with words and actions on their behalf. We must be willing to speak as did Karl Barth when he wrote:

Before proceeding, we must underline the fact that he who destroys germinating life kills a man and thus ventures the monstrous thing of decreeing concerning the life and death of a fellow-man whose life is given by God and therefore, like his own, belongs to him. He desires to discharge a divine office, or, even if not, he accepts responsibility for such a discharge by daring to have the last word on at least the temporal form of the life of his fellow-man. Those directly or indirectly involved cannot escape this responsibility.<sup>18</sup>

The responsibility to which Barth referred was the responsibility for homicide. In the light of the Biblical witness concerning the Law of Life and the fetus as a person, we must conclude that abortion is an

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<sup>18</sup>Karl Barth, Church Dogmatics, trans. A. T. Mackays et al. Part 3 of Vol. III. The Doctrine of Creation (Edinburgh: T. & T. Clark, 1961), p. 416.



intolerable act of murder. We would further conclude that the Scriptures teach that life begins in the womb at conception and that the power of life and death to be exercised over that human person is exclusively a divine prerogative. We have seen that the Law of Life is firm in its position, rich in its content, and fashioned with God's truth and love. We cannot step apart from or ignore the clear directives of the Law of Life and its call to obedience. The Law of Life is God's alternative to abortion.



## CHAPTER III

### MARTIN LUTHER AND THE BOOK OF CONCORD: A THEOLOGICAL WITNESS CONCERNING THE LAW OF LIFE

#### Luther on the Fifth Commandment

The prolific pen of Martin Luther has occupied scholars in a lifetime of study. Luther's penetrating insights into such essential Biblical material as the doctrines of grace, faith, baptism, the Lord's Supper, good works, and others are well known to even the casual student of the Reformation. The justification of the sinner by grace, through faith, for the sake of Christ, was central in the writing and teaching of Luther. Firmly grounded in the Scriptures and committed to their truthfulness, he was devoted to the proclamation of their Law/Gospel message. Within those parameters Luther had something to say on a voluminous array of subjects. The first portion of this chapter will consider what Luther said in reference to the Law of Life and related matters which have application to our thesis.

After completing his lectures on the Psalms, Luther's teaching ministry at the University of Wittenberg was in part occupied during 1535 and 1536 with lectures on the book of Genesis. Commenting on Gen. 9:5-7, Luther saw in these verses a clear Fifth Commandment reference that forbids the taking of human life in any manner whatever.

Therefore this meaning is simpler if you understand this text as a general prohibition against all kinds of murder and killing; as the Fifth Commandment also does: "You shall not kill." . . .



Therefore God forbids that azman should kill another man in any way whatsoever. For if God will require the blood from an animal that kills a human being, will he not more earnestly require it from the hand of a human being? Therefore this text belongs with the Fifth Commandment, that no one should shed human blood.<sup>1</sup>

Although at this point Luther does not refer specifically to abortion in the context of the Fifth Commandment, he has singled out a basic principle: "Therefore God forbids that a man should kill another man in any way whatsoever." (underlining added)

Luther accorded to human life an inviolate quality when he brought together the divine ingredients of creation, redemption, and sanctification. Commenting specifically on the creation of man in God's image (Gen. 9:6), Luther wrote:

This is the most important reason why God does not want a human being killed on the whim of human discretion: because man is the noblest creature, not created as the other animals, but after the image of God. Even though man has lost it through sin, still as things stand, it can be restored through the Word and the Holy Spirit. God wants us to show respect for this image in one another, and does not want us to shed blood in a tyrannical manner.<sup>2</sup>

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<sup>1</sup>"Darum ist diese Meinung einfältiger, so du diesen Text also verstehst, dasz er insgemein verbiete allerlei Mord und Todtschlag; wie das fünfte Gebot auch thut: "Du sollst nicht tödten." . . . . Darnach verbietet er, dasz ein Mensch den andern nicht todtschlagen soll, es geschehe, auf welche Weise es wolle. Denn so Gott das Blut von des Thieres Hand, das einen Menschen erwürget, fordern will, wie viel ernster wird er es denn fordern von der Hand des Menschen? Darum gehört dieser Text in das fünfte Gebot, dasz niemand Menschenblut vergiesen solle." Martin Luther, "Auslegung des ersten Buches Mosis," Dr. Martin Luther's Sämmtliche Schriften, ed. Joh. Georg Walch I (St. Louis: Concordia Publishing House, 1880), col. 597-598.

<sup>2</sup>"Dieses ist eine gewaltige Ursache, darum er nicht will, dasz man einen Menschen muthwillig erwürgen soll, nämlich, dasz er die alleredelste Creatur ist, nicht geschaffen wie die andern Thiere, sondern nach Gottes Bilde. Welches, ob es wohl durch die Sünde, wie oben angezeigt, der Mensch verloren hat, so steht es doch also darum, dasz es durch das Wort und den Heiligen Geist wieder kann erlangt werden. Dieses Bild will Gott, dasz es ein Mensch an dem andern ehre, und will nicht, dasz wir unter einander tyrannisch seien und Blut vergiesen." Ibid., col. 600.



Creation in the image of God was decisive for Luther's high evaluation of man's life. Luther's statement that "God does not want a human being killed on the whim of human discretion . . . and does not want us to shed blood in a tyrannical manner," is quite different from the humanistic mindset toward abortion described in Chapter 1.

Luther further commented on the sanctity of life with these words on Gen. 9:7:

Now after God . . . has forbidden homicide, here follows the reason why He detests homicide so intensely: because He wants humanity to increase upon the earth. But killings lay waste of the earth . . . God has not created the earth without purpose but wants it to be inhabited as Isaiah 45:18 says . . . for His will and desire is life and not death . . .

All of this bears witness that God does not love death but life, just as He has also created man in the beginning . . . He loves life more than death.<sup>3</sup>

Basic to the Law of Life is the continuation of life. Luther recognized God's life principle. Here, in effect, he has affirmed the Law of Life.

Luther touched upon the Fifth Commandment in other of his writings, such as his 1520 Sermon on Good Works, his series of catechetical sermons delivered in 1528 which provided the skeleton for the Small and Large Catechisms, and in a sermon series on the Sermon on the Mount (viz. Matt. 5:21-26). In these writings he brought out both the narrow and the broad understanding of the commandment. Luther included in the prohibition "not to kill" deliberate acts of murder resulting in the loss of life,

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<sup>3</sup>"Dieweil nun Gott . . . den Menschen aber zu tödten verboten hat: so folgt nun hier die Ursache, warum Gott den Todtschlag so ernstlich verbietet und ihm feind ist, nämlich darum, dasz er will, dasz sich die Menschen auf der Erde mehren sollen. Todtschläge aber machen die Erde wüste und einsam . . . Gott die Erde nicht umsonst geschaffen hat, sondern dasz sie bewohnt würde, wie Iesaja Cap. 45, 18. sagt, . . . denn sein Wille und Lust ist das Leben und nicht der Tod . . ."

"Dieses alles zeugt, dasz Gott nicht liebe den Tod, sondern das Leben; wie er auch den Menschen im Anfange dazu geschaffen hat. . . . Er das Leben mehr liebt, denn den Tod." Ibid., col. 601-602.



as well as killing with the tongue and the heart, angry emotions, and the failure to be kind and helpful to our neighbor. The commandment required a gentle, friendly heart and a readiness to do good to everyone. Later in this chapter when we turn our attention to The Book of Concord we will have more to say on Luther and the Fifth Commandment, but already we can see that his extra-confessional writings left no doubt that he treated this commandment as the Life Commandment.

#### Luther on Conception and Fetal Life

There is life in the womb. This was Luther's understanding. Commenting on the incident in Genesis 18, when God visited the childless Abraham and Sarah to announce that next year a child would be born to them, Luther wrote:

Therefore when God said: "I will come again according to the time of life," it is the same as if He had said: "according to the natural way in which an infant receives life in the womb and is born, so Isaac will also receive life and be born."<sup>4</sup>

There is life before there is birth, and Luther clearly implied that this life has a personal quality. The Hebraism discussed in the previous chapter, "to conceive is to be born," is reflected in his choice of words, "receive life and be born."

The same point is given even greater emphasis in Luther's Genesis commentary on the covenant promise given to Isaac (26:24-25). Here we quote Luther as he dealt with the mystery and wonder of life in the present and life after death. With reference to the phrase, "for my

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<sup>4</sup>"Darum dasz er sagt: 'Ich will wieder kommen nach der Zeit des Lebens,' ist eben so viel, als spräche er, nach der natürlichen Weise, dadurch ein Kind im Mutterleibe pflegt lebend und geboren zu werden, wird Isaak auch lebendig und geboren werden." Ibid., col. 1167.



servant Abraham's sake," Luther asked the question, "how is Abraham a servant of God after his death?" This was his answer:

Look at your infancy and consider whether you remember that you were in your mother's womb, that you lay in a cradle, that you sucked your mother's breast, cried and ate pap, and grew, etc. Yet we are certainly alive even in that first year when the fetus is carried in the mother's womb . . . I also lived in my mother's womb, but of this life I never knew anything later on. And still the fetus in the mother's womb must surely and actively be alive, as is indicated through the frequent movements, and also by the fact that the infant cries when it comes from the womb.

Now since we cannot grasp this with our thoughts, so even less can we grasp the condition of life after death . . .<sup>5</sup>

Luther, the fetus, lived in his mother's womb. That prenatal experience was not part of his conscious memory, but it was as much a part of his life's continuum as the yet-to-be-experienced life after death.

#### Luther on Abortion and the Gift of New Life

The problem of abortion was also a part of Luther's world. Although not the kind of burning social issue that we know it to be in our day, Luther did make reference to the practice. In his comments concerning the offspring that resulted from Abraham's union with his second wife, Keturah (Gen. 25:1-4), Luther wrote:

And it appears that God wanted to teach and indicate that the begetting of children is extremely pleasing to Him, in order that we

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<sup>5</sup>Denn siehe deine Kindheit an, und bedenke, ob du dich dessen auch wissest zu erinnern, dasz du in deiner Mutter Leibe gewesen seiest, dasz du in der Wiege gelegen, dazu deiner Mutter Brüste gesogen, geschrieen und Brei gegessen habest, und wie du gewachsen seiest u. Nun leben wir wahrlich auch im ersten Jahre, da die Frucht in Mutterleibe getragen wird; . . . Also habe ich in Mutterleibe gelebt; aber von diesem Leben have ich hernach nie etwas gewusst. Und dasz dennoch die Frucht im Mutterleibe gewiszlich und kräftig leben müsse, wird dadurch angezeigt, dasz sie sich sum öftermal bewegt, zudem, dasz auch das Kindlein schreit, wenn es aus dem Mutterleibe kommt."

"Da wir aber nun dies mit unsern Gedanken nicht erreichen können, so werden wir viel weniger das begreifen, wie es um das Leben nach dem Tode stegem , , , " Martin Luther, "Auslegung des ersten Buches Mosis," Dr. Martin Luther Sämtliche Schriften, ed. Joh. George Walch II (St. Louis: Concordia Publishing House, 1881), col. 217.



might realize that he upholds and defends His Word when He says, "Be fruitful." He is not hostile to children as we are; many of us do not seek to have offspring. But God emphasizes His Word so forcefully that He gives children at times even to those who do not desire it, yes, even to those who are opposed to it . . . And what is more, He seems to emphasize procreation to such an extent that children are born even to adulterers and fornicators contrary to their will.

How great then is the wickedness of human nature! How many girls there are who prevent conception and kill, and expel the fetus, even though giving birth to children is the work of God! Indeed, some spouses who marry and live together in a respectable manner have all kinds of purposes and reasons, but seldom children.<sup>6</sup>

How contemporary Luther was in this passage! Luther's insistence that God gives life even where it is not desired is a refreshing principle that turns us again to a divine perspective upon life. Children are pleasing to the Lord. He desires new life and its procreation remains one of His commands. The practice of abortion is not only antithetical to the injunction, "Be fruitful!" but Luther also seemed to suggest that it scandalized the very purpose of marriage.

Luther further demonstrated the Law of Life principle near the end of his Genesis commentary. Mothers and children were to be highly esteemed and he marveled at the manner in which God has extended life. The blessing of the patriarch Jacob upon his beloved Joseph included the words: ". . . blessings of the breasts of the womb" (49:25), which prompted Luther to write:

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<sup>6</sup>"Und lässt es sich ansehen, dasz Gott damit habe lehren und bezeugen wollen, dasz ihm die Kinderzucht sehr angenehm und gefällig sei, auf dasz wir we dafür halten, dasz er sein Wort, da er sagt: "Wachset." Er ist den Kindern nicht feind, wie wir sind; denn unserer Viele fragen nach den Kindern nichts: Gott aber hält über seinem Worte so hart, dasz er zu Zeiten auch denen Kinder gibt, so ihrer nicht begehren, ja, den Kindern feind sind; . . . Und das noch mehr ist, lässt es sich ansehen, dasz er das Kinderzeugen so gar will gefördert haben, dasz er auch Ehrebrechern und Huren Kinder lässt geboren werden wider ihren Willen."

"Wie grosz ist denn nun die Bosheit menschlicher Natur! wie viel sind der Dirnen, die es hindern, dasz sie nicht schwanger werden, tödten und vertreiben die Frucht, so doch Kinder gebären ein Werk Gottes ist! und zwar die Eheleute selbst, so mit Ehren ehelich geworden sind und bei



Mothers are praised because of their fertility and childbearing, and with these gifts they have been adorned and exalted by God over men. The fetus is nourished in the womb, and after it has come into the world, in a wonderful manner by blood and milk. Accordingly women seem to have a greater purpose than men.<sup>7</sup>

Luther has a lofty regard for women and his vivid presentation serves to focus our attention again upon the Law of Life and "the depth of the riches and wisdom and knowledge of God" (Rom. 11:33).

Finally, in his comments on Jacob being gathered unto his people (Gen. 49:33), Luther compared life in the womb to life after death, much as he had done in reference to Gen. 26:24-25. Again, he very effectively spoke of the personal quality of human life in the womb.

For no one of those who are alive now can know where he was during the first two years when he lived either in the womb, or when after being brought into the world, he sucked his mother's milk. He knows nothing about how the days, the nights of the times have been, nor who ruled and had waited for him. And still he lived at that time and he was a body joined together with a soul and he was equipped for all natural functions. Therefore this is a most certain argument and proof that God wants to preserve humanity in a wonderful manner that is completely unknown to humanity.<sup>8</sup>

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einander wohnen, sehen auch auf mancherlei Nutzen und Ursachen des Ehestandes, selten aber auf die Kinder." Luther, Dr. Martin Luther's Sämtliche Schriften, ed. Joh. Georg Walch I, col. 1748-1749.

<sup>7</sup>"Die Mütter werden gelobt wegen der Fruchtbaret und Geburt, und sind von Gott mit diesen Gaben vor den Männern geziert und begnadet. Die Frucht wird in Mutterleibe, und wenn sie schon auf die Welt gekommen ist, wunderbarlich von Blut und Milch genährt. Derhalben sieht man an den Weibern größern Nutzen als an den Männern." Luther, Dr. Martin Luther's Sämtliche Schriften, ed. Joh. Georg Walch II, col. 2049.

<sup>8</sup>"Denn niemand ist unter allen Menschen, die jetzt leben, der da wissen könne, wo er die ersten zeı Jahr gewesen sei, da er im Mutterleibe lebte, und da er auf die Welt geboren war und seiner Mutter Milch gesogen hat. Er weisz nicht, wie die Tage und die Nächte oder Zeiten fewesen sind, so ihn regiert und sein gewartet haben: und hat doch dazumal gelebt, und ist Leib und Seele mit einander vereinigt und zu allen natürlichen Werken tauglich und geschickt gewesen. Derhalben ist dies das gewisseste Argument und Anzeichen, dasz Gott den Menschen wunderbarerlicher Weise erhalten wolle, die ihm, dem Menschen, selbst gar unbekannt ist." Ibid., col. 2068.



God's on-going preservation of that which He has created--this is the positive spirit of the Law of Life.

### The Book of Concord and the Law

We proceed now from Luther, the Reformer, to the confessional writings which the Reformation era produced. Because Lutherans have accepted the entire Book of Concord as a faithful exposition of the doctrines presented in Scripture, the theological witness which it bears to the Law of Life is relevant for our purposes. In this section of the paper we shall observe the high esteem which it accords to the Law of Life.

The Lutheran Confessions harmoniously support the Biblical witness concerning the truthfulness of God's Law, as surveyed in the previous chapter. "These are not trifles of men," wrote Luther in his Large Catechism, "but the commandments of the most high God . . ." (I 330; p. 410). The Ten Commandments are not subject to revision or alteration, "for no man has the right to cancel an obligation which is derived from divine law" (A.C. XXVII 24; p. 74). The Law is definitely not an abrogation of the Gospel for the Law cannot be kept without Christ (Ap. IV 269; p. 147). In the Formula of Concord this comprehensive summary of the Law is given:

We unanimously believe, teach, and confess on the basis of what we have said that, strictly speaking, the law is a divine doctrine which reveals the righteousness and immutable will of God, shows how man ought to be disposed in his nature, thoughts, words and deeds in order to be pleasing and acceptable to God, and threatens the transgressors of the law with God's wrath and temporal and eternal punishment (F. C. S. D. V 17; p. 561).



The Law gives structure to our life in a fallen world. There is ample evidence within The Book of Concord to support and endorse this Biblical concept. The Law is to be taught:

We believe, teach, and confess that the preaching of the law is to be diligently applied not only to unbelievers and the impenitent but also to people who are genuinely believing, truly converted, regenerated, and justified through faith" (F. C. Ep. VI 2; p. 480).

And as the Law is taught there should also be obedience for "we should begin to keep the law ever more and more . . . Since faith brings the Holy Spirit and produces a new life in our hearts, it must also produce spiritual impulses in our hearts" (Ap. IV 124-125; p. 124). Because the Law is true and because it is good "the regenerated man delights in the law of God according to the inmost self . . ." (F. C. II 85; p. 537), "for the law is a mirror in which the will of God and what is pleasing to him is correctly portrayed. It is necessary to hold this constantly before believer's eyes and continually to urge it upon them with diligence" (F. C. S. D. VI 4; p. 564).

#### The Small and Large Catechism on the Fifth Commandment

The Lutheran Confessions bear witness to the necessary function of the Law in general and its inseparable relationship to the Gospel. This witness very naturally extends itself to the Fifth Commandment in particular as we consider, what we have already established to be, the Life Commandment. Here we shall primarily confine ourselves to Martin Luther's Small and Large Catechisms as our main confessional references to the Law of Life.

Basic catechetical material, dealing with such topics as the Ten Commandments and the Lord's Prayer, was incorporated into a series of



sermons by Luther as early as 1516.<sup>9</sup> During the next decade he would periodically devote more sermons and teaching material to these topics. But ultimately the Saxon Visitation of 1528 would prove to be the catalyst which led to the drafting of the two catechisms.<sup>10</sup> These systematic visitations were initiated in the fall of the year in order to determine the spiritual condition of the nominally Lutheran congregations. Luther himself participated in these visits and from this first hand contact he found the church confronted with an intolerable state of affairs. Deplorable ignorance and devastating spiritual apathy abounded. Gross immorality and general incompetence were exhibited among the clergy. Many of the laity were doctrinally illiterate and seemingly unconcerned about the situation.<sup>11</sup>

But Luther was concerned and that concern resulted in the 1529 publication of both the Small and Large Catechism. Basic and substantial religious instruction was needed to stem the tide of spiritual deterioration. For children and parents, for pastors and teachers, these two catechisms were to serve as tools of learning and instruction. Although in terms of length and orientation there are obvious distinctions between the Small and the Large Catechism, their content can legitimately be regarded as a single unit of thought. Bente explained this well when he wrote:

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<sup>9</sup>F. Bente, Historical Introduction to the Symbolical Books of the Evangelical Lutheran Church in Concordia Triglotta (St. Louis: Concordia Publishing House, 1921), p. 75.

<sup>10</sup>*Ibid.*, p. 78.

<sup>11</sup>Martin Luther, "Preface to Small Catechism," in Concordia Triglotta, p. 533.



Accordingly, both Catechisms, though in various respects, are intended for all people: youth, parents, preachers, and teachers. It is not correct to say that Luther wrote his Large Catechism only for scholars, and the other only for the unlearned. He desired to instruct all, and, at the same time, enable parents and pastors to teach. According to Luther, it is the duty of every Christian to learn constantly, in order also to be able to teach in turn.<sup>12</sup>

The Small Catechism's presentation of the Fifth Commandment is quite simple. With clear precision, Luther set forth the meaning to this command: "We should fear and love God, and so we should not endanger our neighbor's life, nor cause him any harm, but help and befriend him in every necessity of life" (Small C. I 10; p. 343).

Luther's discerning choice of words captured the narrow Biblical sense of the command (we should not endanger . . . life, nor cause . . . harm . . ."), and the broad Biblical sense ("help and befriend . . . in every necessity of life."), as well as the Gospel motivation of God's love--and all of this in one concise, yet sweeping statement.

Twice in his very brief explanation, Luther uses the word "life." The mention of "life" in this context calls to mind Luther's enduring explanation to the articles of the Apostles Creed where he made that beautiful Gospel confession of the origin and purpose of life. "I believe that God has created me and all that exists; that he has given me and still sustains my body and soul . . . (Small C. II 2; p. 345). "I believe that Jesus Christ . . . has redeemed me . . . delivered me . . . freed me . . . that I may be his, live under him in his kingdom, and serve him . . ." (Small C. II 4; p. 345). "I believe that . . . the Holy Spirit has called me through the Gospel . . . and (Jesus Christ) abundantly forgives all my sins . . . and on the last day he will raise me . . . and will grant

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<sup>12</sup>Bente, Historical Introduction to the Symbolical Books of the Evangelical Lutheran Church in Concordia Triglotta, p. 80.



eternal life to me . . ." (Small C. II 6; p. 345). Luther's interpretation of the Law of Life readily expands to include the Father's divine creation of life, the redemptive work of Christ for all of humanity, and the Holy Spirit's sanctification of believers for the purpose of eternal life. Through the periscope of the Small Catechism we can see again the far-reaching implications of the Law of Life.

In the Large Catechism, Luther's explanation of the Fifth Commandment is amplified, but the meaning is not complicated.

This commandment is simple enough, we hear it explained every year in the Gospel, Matthew 5, where Christ himself explains and summarizes it: We must not kill, either by hand, heart, or word, by signs or gestures, or by aiding and abetting" (Large C. I 182; p. 389).

Luther significantly turned to the didactic ministry of Jesus as it is recorded in Matthew's Gospel to express the narrow sense of the commandment.

Luther recognized the necessity of the Fifth Commandment because of the structure which it brought to a fallen world. "The occasion and need for this commandment is that . . . the world is evil . . . He (God) has therefore placed this and other commandments as a boundary between good and evil" (Large C. I 183; p. 389). And furthermore this stricture proves to be beneficial to all of life and indicative of the value God has placed upon life, "for he wishes to have all people defended, delivered, and protected from the wickedness and violence of others, and he has set up this commandment as a wall . . . that no one may do bodily harm or injury" (Large C. I 185; p. 390).

Luther gave equal stress to the broad sense of this commandment. "In the second place, this commandment is violated . . . when a person . . . fails to do good to his neighbor, or, . . . fails to prevent,



protect, and save him from suffering bodily harm or injury" (Large C. I 189; pp. 390-391). Luther found the positive spirit of the Fifth Commandment summed up in the Judgment scene (Matthew 25) where Christ indicated the kind of helping, caring-conduct He was expecting from His people. "Therefore God rightly calls all persons murderers who do not offer counsel and aid to men in need and in peril of body and life" (Large C. I 191; p. 391).

According to this presentation of the Law of Life, we break the Fifth Commandment: 1) When we kill intentionally, either by direct or indirect means, i.e. an act of murder; 2) When we harbor revenge and carry evil thoughts in our heart against another person; 3) When our words or actions toward others are filled with anger. On the other hand, the Law of Life is an exhortation for us: 1) To be blameless toward all people in soul and body; 2) To be zealous to do good works that will benefit the lives of others.

### Conclusion

We have obtained a theological witness from Martin Luther and The Book of Concord concerning the Law of Life. Their esteem for this principle is faithful to the Biblical witness examined in the previous chapter. To place Scripture, Luther, and the Lutheran Confessions side by side is to discover a corresponding emphasis on the sanctity of life, the divine origin of life, the preservation of life, the redemption of life, the sanctified use of life and the eternal destiny which God has intended for human life.

Luther and the confessional writings would be strongly opposed to the practice of abortion, both because of what this practice says in



itself as an attitude that cheapens life as well as what it does to destroy life. The Confessions, as we would expect, do not touch directly upon the abortion issue, but the Law of Life principle is very much in evidence in the Small and Large Catechisms. We may safely assume that abortion is in conflict with a confessional view of life. Statements to the effect that God wants "all people defended, delivered, and protected from the wickedness and violence of others . . .," would point toward that assumption.

Finally, there is a confessional reference from the Formula of Concord's Solid Declaration which should merit our attention. In the article on "Original Sin" it is stated:

For since the Fall human nature is not at first created pure and holy and is corrupted only subsequently through original sin, but in the first moment of our conception the seed from which man is formed is sinful and corrupted (F. C. S. D. I 28; p. 513).

Here the confessors regarded the moment of conception as the beginning of personal, human life. Having already discussed at some length the importance of the question when life begins, we find this reference to be in agreement with the Biblical evidence. This would seem to suggest the propriety of extending the confessional understanding of the Fifth Commandment to include the preservation of pre-natal life.



## CHAPTER IV

### THE POSITION OF THE MISSOURI SYNOD AND OTHER LUTHERAN BODIES ON THE PROBLEM OF ABORTION

#### Voices of the Past: 1868-1950

Comparatively little was said or written regarding the problem of abortion during roughly the first century of the Lutheran Church--Missouri Synod's (LCMS) history. Although abortion was not a consuming public issue, as it is in our day, it was not neglected. From time to time the problem did surface, and through a variety of forums it was addressed head-on. The voices of Missouri's past, though fragmentary in nature, combine to blend into a very consistent position.

#### Der Kindermord

In 1868, August Wiebusch and Son, whose publishing services were utilized by the Synod as well as by its most distinguished representative of that time, C. F. W. Walther, printed a short monograph entitled, Der Kindermord (Infanticide). Nowhere in the publication is the author named or even mentioned, and no credits are extended. Because of the work which Wiebusch did for Walther, his authorship must be considered a possibility. But all efforts to verify this, or to determine other possible sources, were inconclusive. However, because of the publisher, and because the writing is quoted in at least two of the Synod's District Proceedings, it can safely be regarded as an LCMS publication and of LCMS authorship.



Although literally Der Kindermord is translated "Infanticide," the monograph deals specifically with the problem of abortion in the mid-nineteenth century. The writer was seeking to inform and to admonish, but within a context that was evidently pastoral. The problem was said to be common among the more highly educated classes of society, both among the married and the unmarried. One should not associate it with only those of a prostitute calibre, for it was practiced among the respectably married also. Very descriptively, abortion was defined as "the forceful detachment of the fetus before the time of birth . . . the interruption of the pregnancy through the application of destructive poisonous substances."<sup>1</sup>

The monograph occupied itself primarily with the question of why German girls became involved with abortions. Six rather interesting reasons were listed, some of which may seem a bit strange to us, and others which are very contemporary. They included the fear of shame resulting from conception out of wedlock, the desire for a quiet, easy life without children, the trend among the higher classes to have no more than three or four children, the fear of some mothers over the pain of delivering a child, and the worry of unbelievers who fear they cannot adequately feed and clothe a great number of children. But most revealing and most relevant was the first reason which headed this list.

"Without a doubt in most cases ignorance is the first reason. The full

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<sup>1</sup>" . . . gewaltsame Abteibung der Leibesfrucht vor der Zeit der Geburt . . . die Verhinderung der Schwangerschaft durch Anwendung zerstörender Giftstoffe." Der Kindermord (St. Louis: Druck von Aug. Wiebusch u. Sohn, 1868), p. 3.



scope and range of the Fifth Commandment: 'You shall not kill,' is an unknown thing among them"<sup>2</sup>

Without hesitation, Der Kindermord went on. Responding to those who would say that an abortion is a harmless thing, the writer answered: ". . . it is in truth nothing else than a murder . . . Furthermore, it is an outrage perpetuated against a work of God, the almighty Creator."<sup>3</sup> And further, the warning was given that abortion could become an act of suicide because there was a danger to the mother's life. There could also be secondary complications which would set in such as hemorrhaging, infection, difficulty in getting pregnant again, and premature births.

The writer then concluded the monograph on a very positive note. Those guilty of abortion were not necessarily lost. Where there was sorrow and confession of their sin, the individual could in faith avail herself of the reconciliation Christ had gained for her and she could be sure that her sins had been forgiven. There was also a Biblical word of encouragement for women to be faithful wives and mothers. This was regarded as a holy calling. Children were never given as burdens, but as a gift and blessing of the Lord.<sup>4</sup>

In many ways this small publication deserves to be reprinted. Abortion is exposed for what it is, "nichts anderes als ein Mord," and the problem is intimately connected with the Fifth Commandment. "The

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<sup>2</sup>"Die erste Ursache ist ohne Zweifel in den meisten Fällen Unwissenheit. Der ganze Umfang und die Tragweite des fünften Gebotes: Du sollst nicht tödten, ist ihnen eine unbekannte Sache." Ibid., p. 4.

<sup>3</sup>". . . es ist aber in Wahrheit nichts anderes als ein Mord . . . Es ist ferner ein Frevel, der an einem Werke Gottes, des allmächtigen Schöpfers, begangen wird." Ibid., p. 6.

<sup>4</sup>Ibid., pp. 7-8.



full scope and range" of the Law of Life is understood to include the fetus in the womb and the highest possible regard is extended to the continued procreation of life. Der Kindermord is a fascinating little work, and its significance in 1868 is not exceeded by its significance for our present generation.

C. F. W. Walther

If Walther did not write Der Kindermord, he did have something to say about the problem elsewhere. In October of 1871 he wrote an article in Der Lutheraner comparing American society to the infamous Sodom and Gomorrah because in his judgment abortions were becoming so frequent. It was estimated that in the previous year no less than 250,000-500,000 abortions were performed in the United States. Walther could only regard it as a sign of divine longsuffering that America had not already been destroyed like Sodom and Gomorrah. And so he concluded the article with a probing question and a reference to Luke 17:26-30 as he wrote: "Dear reader, do you desire a more frightening sign of the last times?"<sup>5</sup>

Before moving on we should also note that Walther preached on the Fifth Commandment. Using the traditional Gospel lesson for the Sixth Sunday after Trinity, Matt. 5:20-26, his exposition of the text affirmed many of the things that we have already established concerning the commandment. He did not in this case make application to the abortion problem. He did, however, stress that the commandment is broken just as

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<sup>5</sup>Begehrst du, lieber Leser, noch schrecklichere Zeichen der allerletszen Zeit? C. F. W. Walther, "Die Ermordung Der Kinder in Mutterleibe," Der Lutheraner, Vol. XXVII, No. 1, October 1871.



readily with the heart as with the hand, for Christ explains that when one is angry with his brother he is a murderer before God.<sup>6</sup>

### Lehre und Wehre

In 1885 there appeared in this Missouri Synod publication, Lehre und Wehre, initiated by Walther for the defense of pure doctrine, some editorial observations on the murder of unborn children. The author was unnamed, but he was obviously not given to euphemisms when he wrote: "It is an undeniable truth that forceful means are being employed in order to kill unborn children. This must be considered murder."<sup>7</sup> There could be no obscurity on the matter. It was not subject to debate. It did not take on the color of ethical grey. Unborn children were regarded as valuable human lives. The disruption of that life through an abortion had to be considered murder.

### Theological Quarterly

Near the turn of the century the Theological Quarterly, the official theological journal of the Missouri Synod, carried two articles related to abortion and the Fifth Commandment. In the first, presented under the Practical Theology portion of the journal, a rather sweeping assessment of the situation was made.

The nefarious modes of interference with the course of nature for the restriction or limitation of offspring are in our own day so extensively practiced, that in many circles, especially among what

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<sup>6</sup>C. F. W. Walther, Gnadenjahr-Predigten über die Evangelien des Kirchenjahrs (St. Louis: Concordia Publishing House, 1891), pp. 368-375.

<sup>7</sup>"Es ist eine unleugbare Wahrheit, dass Gewaltmittel angewendet werden, um ungeborne Kinder umzubringen. Es musz dies für Mord gehalten werden." "Mord ungeborner Kinder," Lehre und Wehre, Vol. XXXI, No. 7 & 8, July-August 1885, p. 242.



is called the better class of people, comparatively few married couples are exempt from the charge of wilfull destruction or repression of human life in its incipient stages.<sup>8</sup>

But even more pointed and beneficial were the comments which appeared the following year under the Doctrinal Theology section of Theological Quarterly.

"Thou shalt not kill" is a divine law not only written in man's heart, but expressly stated in the divine Bill of Rights of Genesis 9:1-7. When God declares that he will require the blood of man's life . . . He most emphatically exhibits and announces Himself as the Supreme Custodian and Protector of human life. It is God who gives life and takes it away. No man may, unless when empowered by God, destroy any man's life . . .

The nefarious destruction of human life is the most atrocious of all violations of human rights, since upon life the enjoyment of all other rights depends . . . And since upon life the fulfillment of all human duties also depends, murder is in every way a heinous subversion of the divinely established order of things. This applies also to infanticide and feticide. When God says, "Be fruitful and multiply and replenish the earth," he prohibits the destruction of the fruit of the womb as earnestly as the destruction of life in the full vigor of manhood or womanhood. He is the Creator and Preserver of human life and will not suffer the creature to frustrate his designs unpunished.<sup>9</sup>

We must note with interest the following points: 1) That abortion is considered a Fifth Commandment issue; 2) That matters of creation and divine order are considered important here; 3) That abortion is not only said to be wrong, but it is stigmatized as a loathsome act; 4) That the entire presentation is given a doctrinal treatment; 5) And that clearly the Law of Life extends within the womb.

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<sup>8</sup>"Medicina Pastoralis," Theological Quarterly 2 (July 1898): 349.

<sup>9</sup>"Anthropology," Theological Quarterly 3 (October 1899): 422.



### Wisconsin District Convention

Assembled in their sixth convention in the year 1889, the Wisconsin District heard a doctrinal essay (Lehr Verhandlung) by Pastor F. Lochner concerning the qualities or virtues toward which a well-grounded and faithful Lutheran congregation should aspire. To this end the essay devoted much of its material to various aspects of the Christian family.

Included in the presentation were some comments directed to the assaults and temptations to which the flesh of young people is subjected. It was in this context that the subject of abortion appeared. The murder of unborn children was treated as symptomatic of the depths to which man's depravity has brought him "so that without shame men stain their hands with blood to avoid the concern and the effort and the self-renouncing work of raising children and meanwhile the life of the child is choked in the bud."<sup>10</sup> The essayist went on to recommend the five cent purchase from Concordia Publishing House of what he described as "an excellent little book entitled, *Ker Kindermord*," the same monograph discussed earlier in this chapter.

### Minnesota-Dakota Convention

The doctrinal essay presented by Pastor P. G. Bernthal at the seventh convention of the Minnesota-Dakota District was devoted in its

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<sup>10</sup>" . . . um der Sorgen-Mühe-und entsagungsvollen Arbeit der Kinder erziehung überhoben zu sein, sich nicht scheuen, ihre Hände mit Blut zu beflecken, indem sie das Leben der Kinder im Keim ersticken." Verhandlungen der Sechsten Jahresversammlung des Wisconsin-Districts der deutschen evang. Lutherischen Synode von Missouri, Ohio, und anderen Staaten, versammelt zu Sheboygan, Wis., vom 12, bis 18, Jun. 1889 (St. Louis: Concordia Publishing House, 1889), p. 19.



entirety to the Fifth Commandment. A careful and systematic study was made of the Law of Life from the point of view that the Law is in service to the Gospel. Employing the ever reliable thesis method of presentation, the essay again carried the Fifth Commandment over into the area of abortion.

Under Thesis IV, where criteria were set down for distinguishing what really constitutes killing that is in violation of the Fifth Commandment, the subject of abortion was discussed. In part, this is what was said:

This is nothing else than a violent annihilation and destruction of human life which God already loved when he planted the seed . . .  
 . . . As certainly as God is holy and just, even so will he haunt such sinners with his judgment.<sup>11</sup>

Another reference appeared recommending the tract Der Kindermord as supporting evidence for some of the remarks contained in the essay. It becomes rather obvious that even twenty years beyond its publication date, Der Kindermord was well-known, in wide circulation and had acquired somewhat the status of a standard work on the subject.

#### Illinois District Convention

Pastor L. Hölter presented the doctrinal essay at the thirteenth assembling of the Illinois District Convention. In the discussion of the duties of the family and the church in providing Christian education

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<sup>11</sup>"Das ist eben auch nichts Anderes, als eine thatsächliche Vernichtung und Zerstörung eines Menschenlebens, welches Gott bereits verliehen oder doch gapflanzt und den Keim dazu gelegt hat."

" . . . So gewisz Gott helig und gerecht sei, so gewisz werde er solche Sünden einst mit seinen Gerichten heimsuchen." Siebenter Synodal-Bericht des Minnesota-und Dakota-Districts der deutschen evangelisch-Lutherischen Synode von Missouri, Ohio und anderen Staaten, versammelt zu Lewiston, Minn. vom 17, bis 23, Juni 1891 (St. Louis: Concordia Publishing House, 1891), p. 51



for the youth so that they would hold to the Word and be blessed, a passing reference was made to the problem of abortion. The essay quoted from Walther's article, "Die Ermordung der Kinder in Mutterleibe ist," (from Der Lutheraner Vol. XXVII cited earlier in this chapter), to show how people no longer regarded children as a blessing to marriage.<sup>12</sup>

#### Michigan District Convention

A doctrinal essay concerning the dangers against which Christians must arm themselves in the last times was presented to those assembled at the thirty-seventh Michigan District Convention by Pastor W. Hagen. Among the dangers which the essay touched upon was the practice of abortion. It was called a horror (das Gruel). "What God has promised as a blessing upon marriage (children), man seeks to hinder with his offensive hand."<sup>13</sup>

#### Der Lutheraner

Several articles in the post-Walther era of Der Lutheraner, from the early turn of the century to be exact, dealt with the abortion issue. One such article contended that abortion was giving evidence of the increasing effects of materialism upon our society. Reflecting

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<sup>12</sup>Dreizehnter Synodal-Bericht der Illinois-Districts der deutschen evang.-lutherischen Synode von Missouri, Ohio und anderen Staaten, versammelt zu Chicago, Ill. vom 28, April bis 4, Mai 1892 (St. Louis: Concordia Publishing House, 1892), pp. 32-33.

<sup>13</sup>"Das, was Gott als einen Segnen über den Ehestand ausgesprochen, sucht der Mensch mit frevler Hand zu hindern." Sieben und dreiszigster Synodal-Bericht des Michigan-Districts der deutschen evang.-lutherischen Synode von Missouri, Ohio und anderen Staaten, versammelt zu Detroit, Mich. vom 8, bis 14, Juni 1898 (St. Louis: Concordia Publishing House, 1898), p. 16.



rather closely some of the humanistic mindset outlined in the first chapter of this paper, this observation was made:

. . . and inevitably one asks himself how it is possible that man should pay such little attention to the child, which still has in it a living soul and the breath of God, that he kills it; for to destroy life means to kill, to commit an act of murder. But right here we see the fruitful yet devastating power of materialism.<sup>14</sup>

In the first issue of the year 1905 a brief news article appeared in Der Lutheraner which reported that according to the Chicago Obstetrical Society, 8,000-10,000 cases of abortion occurred in that city the previous year. In that same context it was said that "doctors and midwives without a conscience executed a sentence of murder upon unborn children."<sup>15</sup>

A similar observation was made in an article which appeared the following year. The main emphasis was upon children as a gift of the Lord, but in condemning the sin of children born out of wedlock, the article went on to condemn the aborting of these same children that often followed when an unmarried girl learned that she was pregnant.

. . . . . so the sin that follows is more serious, when such a person in order to cover up their shame before men, through the help of doctors and other people who have no conscience, forcefully

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<sup>14</sup>" . . . und unwillkürlich fragt man sich, wie es nur möglich ist dasz der Mensch das Kind, das doch eine lebendige Seele, den Odem Gottes, in sich hat, so geringe achtet, dasz er es tötet; denn Leben zerstören heiszt tödten, einen Mord begehen. Aber gerade hier sehen wir die furchtbare, verheerende Macht des Materialismus." "Der heutige Materialismus in Seinem Einfluss auf das Christen leben," Der Lutheraner LX August 2, 1904, pp. 242-243.

<sup>15</sup>" . . . gewissenlose Ärzte und Hebammen den Mord ungeborenen Kinder vollziehen." "Aus Welt und Zeit: Kindermord," Der Lutheraner LXI, January 3, 1905, p. 24.



destroy their sin. So through that they commit a murder, which likewise closes heaven, unless true repentance follows.<sup>16</sup>

This article was also very conscious of the blessing which God has bestowed through children and offered a very positive estimation of their worth. When parents understand this they can say:

These children are our flesh and blood. They are such a gift which God has not only created for this life, but also for heaven, which blessedness He wants them to have eternally with Himself. Does not this make marriage very special, which God proves with such gifts to parents?<sup>17</sup>

Words such as these testify as a glowing tribute to the magnificence of the Law of Life.

#### William Dallman

William Dallman, a faithful servant of His Lord and a respected figure of some stature in the annals of Missouri Synod history, had something to say on our subject that is worthy of consideration. Dallman, who was born in 1862, and served as a successful pastor in the establishment of several mission congregations, was also a noted lecturer and author, in addition to holding for a time the position of First Vice-President of Synod. He was a man gifted with many talents and he wore his convictions on his shirt sleeve.

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<sup>16</sup>" . . . so wird die Sünde dadurch um so schwerer, wenn solche Personen, um ihre Schande vor Menschen zu decken, durch Hilfe gewissener.

"Ärtze order anderer Leute die Folgen ihrer Sünde gewaltsam zerstören. Denn dadurch begehen sie einen Mord, der ebenfalls vom Himmel ausschlieszt, sofern nicht Wahre Busze erfolgt." "Kinder Sind eine Gabe des Herrn," Der Lutheraner LXII, July 17, 1906, p. 241.

<sup>17</sup>"Diese Kinder sind unser Fleisch und Blut. Ja, es sind solche Gaben, die Gott nicht nur für dieses Leben, sondern für den Himmel erschaffen hat, die er ewig bei sich in der Seligkeit haben will. Ist das nicht eine ganz besondere Ehre, die Gott in solchen Gaben den Eltern erweist?" Ibid., p. 241.



In a series of sermonic lectures, some of those convictions were very much in evidence. He forcefully brought the Fifth Commandment to bear on the problem of abortion when he wrote:

"Thou shalt not kill!" Without doubt the most fiendish and devilish murderers are married and unmarried mothers who murder their born or unborn infants. The slaughter of the innocents at Bethlehem by command of Herod is the veriest trifle compared with the slaughter of the innocents carried on year after year by the dainty dames of the classes as well as by their coarser sisters of the masses even in our so-called Christian lands.<sup>18</sup>

Dallman's position on the abortion issue was anything but speculative. He made his point very explicit!

#### Doctor Walter A. Maier

For many years the name of Dr. Walter A. Maier was practically synonymous with the Missouri Synod. As an Old Testament scholar, professor at Concordia Seminary, and speaker for the international Lutheran Hour, Dr. Maier became, and still remains, one of the most beloved sons of the Synod. His esteem was generated by his devotion to the Christ whom he so zealously taught and proclaimed. For nearly two decades he was the voice of the Lutheran Hour beaming the Gospel of Jesus Christ across the air waves of our nation. As a radio speaker, he not only gave witness to his own faith, but in many ways it could be said that he spoke for the Synod.

The publication of his radio messages has enabled us to draw upon his material as a further resource in our study. Dr. Maier placed a great deal of stress upon the importance of the Christian family and the Christian home. Almost without exception, at least one or two sermons

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<sup>18</sup>William Dallman, The Ten Commandments (Pittsburg, Pa.: American Lutheran Publication Board, 1910), pp. 116-117.



related to this theme appeared every year. On several occasions Dr. Maier would use this context to include some remarks on the subject of abortion. The following material is indicative of his concern and of his position.

Preaching on Philemon vv. 2-3, in a sermon entitled, "The Church in Your Home," Dr. Maier said:

How repeatedly the tendencies of this day recall the necessity of making all our homes chapels of God! Think of the plight of America's childhood! We throw up our hands in horror when we read of Herod's massacre of Bethlehem infants; yet comparably larger is the annual murder of American children. Investigations published by the officials in Washington estimate that each year more than half a million children are killed before they are born. An exhibit in the nation's capital records one abortion every forty-five seconds, day and night, week after week, throughout our country, and it reveals that this prenatal murder is among the first causes responsible for the deaths of mothers.<sup>19</sup>

We can see from this that he was attempting already in 1938 to sensitize the conscience of the nation. To suggest that the magnitude of the problem was greater than the slaughter of Bethlehem innocents was indeed no idle comparison.

Dr. Maier made his point in 1941 when preaching on Acts 5:42, "Faith for the Family." In speaking of the seven deadly family sins, he listed family sin number four as the avoidance of parenthood and the hatred of childhood. And then with the effective use of a rhetorical question he asked: "This may take the hideous form of prenatal murder-- is abortion anything less than murder--?"<sup>20</sup>

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<sup>19</sup>Walter A. Maier, "The Church in Your Home," in The Cross from Coast to Coast (St. Louis: Concordia Publishing House, 1938), p. 165.

<sup>20</sup>Walter A. Maier, "Faith for the Family," in Courage in Christ (St. Louis: Concordia Publishing House, 1941), p. 178.



During the thirteenth season of Lutheran Hour broadcasts, Dr. Maier delivered a sermon entitled, "Christ, Come into our Home," based upon Mark 14:13-16.

Moral conditions in America as they effect our homes are often beyond description. District Attorney Edward L. Brown of San Francisco reports that during 1945 74,000 babies were born in that city, but 18,000 unborn babies were put to death. Investigators claim that the San Francisco police know the exact house on Fillmore Street where five-hundred prenatal murders are committed every month. Even more they are said to know the woman who makes between \$4,000 and \$5,000 a day through this wholesale slaughter of unborn infants, and who a San Francisco paper declares, pays \$20,000 a month for protection. If you now stop to consider that this prenatal murder is practiced in every city in the country, you begin to wonder why God can be so gracious to us as He is. You realize, too, with what urgent necessity American homes need the Christ, who alone can stop this atrocious massacre.<sup>21</sup>

Some might accuse Maier of sensationalism with comments such as these, but this was a public sin deserving of public refutation. In this sermon we are only two decades removed from our present time and obviously the problem of abortion was surfacing more and more into the arena of public attention. Maier demonstrates what it means to apply the Word of God to an immediate situation, and he uses the opportunity to proclaim the remedy of the Gospel.

As a final word of reinforcement to what he has already said, Dr. Maier delivered a sermon entitled, "Families of America, Keep Close in Christ," based upon Gen. 44:34, at the midway point of the present century.

Only one phase of sordid sin is more damnable (than divorce), the willful destruction of children before they are born. In New York recently the police arrested a doctor who made this his atrocious business. A half million dollars a year, authorities

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<sup>21</sup>Walter A. Maier, "Christ, Come Into Our Home," in He Will Abundantly Pardon (St. Louis: Concordia Publishing House, 1948), pp. 111-112.



estimate, was his income; and there is no reason for assuming that New York is any better or worse than other cities in our country. What a fearful punishment awaits all who are guilty of destroying young life. What pangs of remorse and specters of hell rise up to torment the conscience of those accused of such crime!<sup>22</sup>

### Voices of the Past: Conclusion

These voices of Missouri's past spoke with unanimity and consistency regarding the Law of Life and the problem of abortion. They agree that abortion is an act of murder, a fierce violation of the Law of Life, but they also insist that where there is true repentance there is sure forgiveness, for the sake of Christ. The Missouri Synod of the past has been firm and uncompromising in its position on this matter, and it has been so on the basis of Biblical principle.

### Present Day Comparison of American Lutheranism on Abortion--1966-1977

In this second half of the chapter we will examine the contemporary scene as we compare the Missouri Synod's position on abortion with that of the Lutheran Church in America and The American Lutheran Church. Examining the period from 1966-1977,<sup>23</sup> a careful analysis of the official publications, statements and proceedings of the representative church bodies concerning the abortion issue will be made. With a chronological presentation of the material, each of the three church bodies will be studied

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<sup>22</sup>Walter A. Maier, "Families of America, Keep Close in Christ," in One Thousand Radio Voices for Christ (St. Louis: Concordia Publishing House, 1950), pp. 31-32.

<sup>23</sup>The 1966-1977 time period was selected in order to examine the most recent material on the subject from all three major Lutheran bodies. Prior to 1966 no significant study documents had been prepared, but in that year the Commission on Research and Social Action of The American Lutheran Church published a study on Sexual Integrity in Modern Society. With the publication of that study and the increased attention given to the subject



separately in order to understand their position and to form our conclusion.

### The Lutheran Church in America

In 1967 the Board of Social Ministry for the Lutheran Church in America (LCA) published a booklet entitled, The Problem of Abortion. This small volume was part of a longer series which the Board had produced under the heading Studies in Man, Medicine and Theology. The present LCA position on abortion seems to take many of its cues from this document, or at least to reflect many of the attitudes which Frederick Wentz and Robert Witmer, the authors, set forth. They wrote the following in the fifth chapter, "The Question of Compassionate Abortion."

Though human life is the free gift of God, its origin and course enshrouded in mystery in many ways, yet it is clear that human decision enters into the initiation and the shaping of any particular life. The crucial question is whether these decisions are responsible ones before God and fellowmen. For the Christian there is no higher criterion than human welfare, properly defined.

The indications for a so-called compassionate abortion have been mentioned in describing the third of the "Present-day Attitudes." Such abortions may be subdivided into four categories commonly labeled: medical, eugenic, humanitarian, and socio-economic.<sup>24</sup>

Three observations should be made. 1) In a series that claims to be theological, it is strange to read that "there is no higher criterion than human welfare, properly defined" when it comes to whether or not responsible decisions are made on the question of abortion. 2) The categories of "compassionate abortion" (medical, eugenic, humanitarian

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of abortion since that time, the year 1966 was deemed to be an appropriate juncture to begin this present day comparison of American Lutheranism.

<sup>24</sup>Frederick Wentz and Robert Witmer, The Problem of Abortion (published by the Board of Social Ministry of the Lutheran Church in America, 1967), p. 22.



and socio-economic) are the very same arguments whose proposition has been considered in the first chapter of this paper as the result of humanistic influences. The very concept, "compassionate abortion," obscures the fact that the end product of abortion is death. 3) No specific Scripture or confessional references are included.

Wentz, who was at that time President of Hamma School of Theology in Springfield, Ohio, went on later that year to further develop his thesis that "compassionate abortion" is the answer to the abortion problem. Writing in The Lutheran, he stated his belief that there was potential human life in the womb and that abortions should not be provided at the request of any pregnant woman. But he said he would give priority to the needs and circumstances of the pregnant woman, including her present family responsibilities. For Wentz, this is "compassionate abortion."

This article by Wentz, simply entitled "Abortion," offers additional insight into the contemporary LCA position on abortion when he writes:

Where does the Protestant Christian stand? Theologically, the crucial question is this: Is the fetus simply organic tissue attached to a woman's uterus, or is it a human being with all human rights?

God's revelation in Christ Jesus, set forth in the Bible, does not give us a clear and simple answer.<sup>25</sup>

The use of the word "Protestant" rather than "Lutheran" should be noted as rather significant in terms of the direction Wentz was moving on this subject. Most main-line Protestants, as we have already seen, would be very comfortable with the Wentz thesis. Also at work here is a dubious

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<sup>25</sup>Frederick Wentz, "Abortion," The Lutheran 5 (November 22, 1967):11.



hermeneutical principle (what some would call Gospel-reductionism), when the Biblical revelation of Christ is played off against the assumed absence of "a clear and simple answer" to the question of when life begins. Again, there is no direct quoting of the Scripture so that we are not even told what the Bible, viewed from the author's perspective, says in a confused and complex way on this matter.

Another statement from that article would seem to place Wentz in a judgmental capacity over against God's creative activity. The author apparently employs some non-theological notions about life when he writes:

But there is no way of telling when that event takes place. Actually there does not seem to be any clear way of telling if that event has taken place until the child itself makes observable human responses, perhaps in the act of calling other people by name. Some children, who were seemingly normally brought to birth, never achieve distinctly human responses. In such cases we remain in entire mystery as to whether God willed a human life into being or did not.<sup>26</sup>

A second article to appear in The Lutheran was written by Richard Peterman, then Pastor of St. John's congregation in Summit, New Jersey. The author, who identified himself as a member of the Clergy Consultation Service on Abortion, said the following:

Then there is always the question of "taking life." But the Old Testament concept of human life as recorded in Genesis makes it quite clear that a human being becomes a "living soul" only after he breathes life on his own.

The sequence, according to Genesis, is: God molded man of clay, he breathed into man his life's breath, and man became a living soul. In other words, man is not a total being until he breathes the breath of life on his own--apart from the mother.<sup>27</sup>

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<sup>26</sup>Ibid., p. 12.

<sup>27</sup>Richard Peterman, "Help for Problem Pregnancies," The Lutheran 8 (January 7, 1970):16.



Appearing early in 1970, this kind of exegesis helped to clear the way for the official statement that would be adopted by the LCA at their Fifth Biennial Convention.

Prepared and recommended by the Board of Social Ministry, the "Statement on Sex, Marriage, and Family" is of major significance in articulating the official LCA stand on abortion. In advance of their June 1970 convention date, the document had begun to generate controversy within the LCA so that The Lutheran printed the full text of the "Statement" and reported the make-up of the commission which had prepared the document under the direction of the Board of Social Ministry. The article included a question and answer section to help explain the intended thrust of the document. Relating to abortion, this question was raised: "Does the Statement advocate legalization of abortion? Answer: Yes."<sup>28</sup>

To capture the full context of the abortion section of the "Statement on Sex, Marriage, and Family," we quote from the LCA convention minutes.

In the consideration of induced abortion the key issue is the status of the unborn fetus. Since the fetus is the organic beginning of human life, the termination of its development is always a serious matter. Nevertheless, a qualitative distinction must be made between its claims and the rights of a responsible person made in God's image who is in living relationships with God and other human beings. This understanding of responsible personhood is congruent with the historical Lutheran teaching and practice whereby only living persons are baptized.

On the basis of the evangelical ethic, a woman or couple may decide responsibly to seek an abortion. Earnest consideration should be given to the life and total health of the mother, her responsibilities to others in her family, the stage of development of the fetus,

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<sup>28</sup>"Some Questions and Answers," The Lutheran 8 (April 15, 1970): 10.



the economic and psychological stability of the home, the laws of the land, and the consequences for society as a whole.

Persons considering abortion are encouraged to consult with their physicians and spiritual counselors. The church upholds its pastors and other responsible counselors, and persons who conscientiously make decisions about abortion.<sup>29</sup>

The document has moved far beyond what previously would have been described as a therapeutic abortion, i.e. an abortion performed only when a mother's life is in jeopardy because of her pregnancy. The LCA document is now dealing with "the total health of the mother, her responsibilities to others in her family, the stage of development of the fetus, the economic and psychological stability of the home, the laws of the land, and the consequences for society as a whole." The decision to seek an abortion can be regarded as responsible and a woman can make that decision even without her husband's approval. A very pious sounding but undefined "evangelical ethic" provides the necessary approval for such action.

Since its adoption, with only three negative votes recorded, that phrase, "evangelical ethic," has been regularly extracted as the guiding principle in the LCA abortion stance, even though a legitimate question might be raised as to how evangelical such an ethic is which treats the fetus as "the organic beginning of human life" but not as a person. Once again there is a complete absence of any Biblical reference throughout the entire document, and a complete lack of confessional emphasis on the Fifth Commandment.

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<sup>29</sup>"Sex, Marriage and Family," Minutes Fifth Biennial Convention of the Lutheran Church in America, Minneapolis, June 25-July 2, 1970, p. 658.



The issue of abortion was raised in a different kind of way during the Eighth Biennial Convention, held in July 1976. At that time the Northeastern Pennsylvania Synod placed a resolution before the convention requesting that the LCA re-examine the 1970 "Statement" specifically, "as it pertains to the issue of abortion in the light of the Christian understanding of the nature of man and the actual results of liberalized abortion practices in the United States and other Western nations."<sup>30</sup> Later in the same volume it was stated: "The Committee on Memorials from Synods recommends that the memorial of the Northeastern Pennsylvania Synod not be approved. The recommendation was adopted."<sup>31</sup>

#### The American Lutheran Church

In assessing what The American Lutheran Church (TALC) has said concerning abortion, it is fair to generalize that its statements have a tendency to be ambiguous or to straddle the issue. Some very sound opinions and statements have been published critical of liberalizing the practice of abortion. There are also members in TALC who hold positions of leadership in the Right to Life Movement, e.g. the head of the North Dakota chapter is an ALC physician, Dr. Al Fortman. However, distinct pro-abortion positions are also espoused within this same church body.

This "back and forth" pattern is illustrated already in 1966 when the Commission on Research and Social Action put out a small study

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<sup>30</sup>"On Re-examination of Statement on Sex, Marriage and Family," Minutes Eighth Biennial Convention of the Lutheran Church in America, Boston, July 21-28, 1976, p. 64.

<sup>31</sup>Ibid., p. 343.



pamphlet entitled, Sexual Integrity in Modern Society. Under the direction of Carl Reuss, we find this approach in a section dealing with abortion.

What does the Christian ethic have to say at this point? Traditionally, the answer has been entirely negative both in Protestantism as well as Roman Catholicism. The only accepted grounds for abortion in Protestantism has been the saving of the mother's life. To date Christian literature on this score continues to hold the same view. The principle which is invoked is this: God alone gives life and He alone, unless we have a clear divine directive to the contrary, has the right to take life.

Perhaps the church needs to continue this position. This would have to be argued on the moral grounds just stated as well as on the somewhat weaker grounds that legalized abortion would open the floodgates of irresponsible pregnancies and licentious behavior. These two reasons dare not be taken lightly.

However--we throw this out for serious discussion--is the matter as clear and simple as just outlined? When does human life begin? At conception? At birth? If at birth, then abortion can be placed on the same plane as conception control. Or again: Shall a girl, pregnant consequent from rape, be forced, in spite of her innocence, to bear a child? Shall the woman continue to "pay"? Or what of one of the world's greatest threats--the population explosion? Is Japan possibly doing the more "Christian thing" by refusing to become a human ant hill in which the quality of life is reduced to virtually zero?

We are not ready to answer these questions. They dare never be answered lightly in the affirmative. But can the church ever possibly answer them in the affirmative in the name of agape-love?<sup>32</sup>

The somewhat "open-ended," "either-or" approach is very obvious.

In 1967 The Lutheran Standard carried a very strong anti-abortion article by Donald M. Larson, a practicing physician, who said:

The Christian's position on abortion must be consistent with the Christian affirmation that human life is sacred before man and his God. Abandonment of this conviction undermines the foundations of our Christian faith.<sup>33</sup>

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<sup>32</sup>Sexual Integrity in Modern Society (Published by Commission on Research and Social Action of The American Lutheran Church, 1966), pp. 20-21.

<sup>33</sup>Donald Larson, "A Lutheran Physician Speaks Out on Abortion," The Lutheran Standard 7 (May 16, 1967):7.



In the same publication and a year later, Dr. Andre E. Hellegers, a Roman Catholic and a professor of obstetrics and gynecology at Georgetown University, wrote with equal persuasion against legalized abortion by refuting many of the standard pro-abortion arguments.<sup>34</sup> And from the years 1968-1974 there were six editorials by George Muedeking that were critical of the growing trend toward liberalized abortion practices and which conveyed a definite pro-life flavor.<sup>35</sup>

But The Lutheran Standard has not taken a biased pro-life position. In 1970, and on two separate occasions in 1974, the periodical carried articles which presented both sides of the issue, keeping their readers well informed as to the choice which could be made. As an illustration of this "point-counter-point" style, Carl Reuss stated in his article, "Abortion--An Awesome Decision," that:

The crux of the matter still remains: When does the developing organism become a person? To this question neither science nor religion can give a proof-positive answer. Each answers, based on his faith, his understanding of the facts, and his estimate of the consequences. Laws must be such that they permit the responsible exercise of a free, sensitive, and informed conscience that does not damage the well-being of the community.<sup>36</sup>

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<sup>34</sup>Andre E. Hellegers, "Facts About Abortion," The Lutheran Standard 7 (May 16, 1967):10-11.

<sup>35</sup>George H. Muedeking, "The Abortion Issue," The Lutheran Standard 8 (June 11, 1968):15. "The Abortion Issue - Part II," (July 23, 1968):23. "The Abortion Issue - Part III," (August 20, 1968):17. "Killing," (April 18, 1972):15. "Abortion Decision," (March 20, 1973):15. "Words Can Betray," (May 7, 1974):15.

<sup>36</sup>Carl Reuss, "Abortion--An Awesome Decision," The Lutheran Standard 10 (August 18, 1970):10.



Dr. Calvin Eichhorst, then associate director of the Institute for Ecumenical and Cultural Research, countered in his article, "Abortion--An Act of Dehumanization," with these words:

Abortion involves dehumanization by definition. In war we have at times had courage to admit that we have been involved in the destruction of human life and then said under what conditions it would be justifiable. In abortion we confront a very different process: conditions are not being specified under which it is justifiable to destroy the life of the fetus but rather its life is being removed by definition. Then it can be destroyed without pangs of conscience. The fetus is put on the level of tonsils--to be removed at will now that we have safe medical procedures.<sup>37</sup>

Turning now to some of the official actions taken by TALC, we can observe some of the "pro & con" attitude over against the abortion question, but we will also detect a gradual shift towards greater latitude and liberalization. For instance, in 1966 at the Third General Convention of TALC, the following statement was approved:

There are times and circumstances when interruption of a pregnancy may be necessary for therapeutic reasons. Such an induced abortion should be undertaken only after adequate consultation with professional persons competent to give trustworthy and balanced counsel. We welcome studies and discussions seeking to determine what may constitute therapeutic reasons for an abortion.<sup>38</sup>

In 1970 the Fifth General Convention gave serious consideration to a statement called "Abortion, Christian Counsel, and the Law." After devoting one major section of the document to a summary of the arguments defending restrictive abortion laws and those advocating repeal of such laws; the document proceeded to endorse an obviously expanded definition of therapeutic abortion.

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<sup>37</sup>Calvin Eichhorst, "Abortion--An Act of Dehumanization," The Lutheran Standard 10 (August 18, 1970):8.

<sup>38</sup>"The Church and Human Sexuality," Reports and Actions of the Third General Convention of The American Lutheran Church, Minneapolis, October 19-26, 1966, p. 491.



Pending such thorough-going reform through repeal, existing laws should undergo major amendment. Such amendments should permit as therapeutic any termination of a pregnancy in which there is substantial risk that its continuance would gravely impair the physical or mental health of the mother or that the child would be born with grave physical or mental defect. Further, an abortion should be regarded as therapeutic when the pregnancy resulted from rape, incest, or other felonious assault. In any such case, the termination of the pregnancy should be a permissive option, not a compulsory requirement. Such permissiveness strikes us as more consistent with Christian love and responsible freedom than is the denial of choice forced by law.

It has not been easy for us to reach the foregoing conclusions. We know that many an earnest Christian--whose sincerity of faith and wholeness of person we fully respect--cannot follow our line of reasoning . . . In this quest for truth, various ones of us emphasize different sides of the evidence, or interpret different the facts on which we agree. Such differences, however, should not diminish our respect for one another as persons. Nor should they be grounds for judging the validity or sincerity of our faith in Jesus Christ. All of us need to humbly admit, with St. Paul, in I Cor. 13: 8-12, that "our knowledge is imperfect" . . .<sup>39</sup>

In the concluding paragraph of that document we find the only direct reference from the Scriptures, although there are allusions to Biblical concepts in other paragraphs. The final sentences of the document appear to be an effort to justify the ambiguity within TALC and to anticipate the voices of dissent. Interestingly enough, then President Frederick Schiotz, had this to say on "Abortion" in his report:

It should be clear that the statement is not a pronouncement in favor of abortion. It places responsibility for the decision on the individual. It recognizes the responsibility of the church to counsel with the individual. However, it would remove the therapeutic act of a duly licensed physician from the category of a criminal act.<sup>40</sup>

It would seem that individual responsibility was to become the guiding principle for TALC. But then came the surprise--the delegates

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<sup>39</sup>"Abortion, Christian Counsel, and the Law," Reports and Actions of the Fifth General Convention of The American Lutheran Church, San Antonio, October 21-27, 1970, pp. 906-907.

<sup>40</sup>"Presidential Report," *ibid.*, p. 140.



called for further study of this statement and in its place a resolution was adopted reaffirming the 1966 statement which said abortion may be necessary for therapeutic reasons! The "yes & no" pattern with TALC was again underscored the following year when Carl Reuss wrote in The Lutheran Standard that: "The American Lutheran Church stands in neither the 'abortion on demand' nor the 'no abortion ever' camp."<sup>41</sup>

In 1974 a new document appeared. Prepared by the Commission on Church and Society, the document "Abortion and Christian Counsel" received the approval of TALC's Church Council, which in turn sent the document to the Convention Review Committee for consideration at the Seventh General Convention. But in this connection it is interesting to note what The Lutheran Standard reported:

The council specified that if accepted the document should be presented to the church as "comment and counsel" instead of as "judgment and conviction," as the commission had originally offered it. This means it is to assist congregations in making up their mind rather than to be a corporate voice of the church to help shape public policy, according to Dr. Carl Reuss.<sup>42</sup>

Preferring not to speak as "the corporate voice of the church," TALC indicated a measure of indecision. Such an approach would suggest that the church can take no firm, absolute position on this issue, but can only offer some guidelines and counsel, trusting that wise, individual decisions will be made by those concerned.

The 1974 Detroit Convention of TALC, after lengthy debate, did adopt the statement "Abortion and Christian Counsel" as it had been

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<sup>41</sup>Carl Reuss, "Who Cares About the Family?" The Lutheran Standard 11 (May 4, 1971):23.

<sup>42</sup>"ALC Acts on Social Issues," The Lutheran Standard 14 (July 2, 1974):26.



recommended, "for comment and counsel to the church." The vote was 500 for and 379 against. In part, this is what the document said:

The American Lutheran Church rejects induced abortion as a ready solution for problem pregnancies. An induced abortion deliberately ends a developing human life. No one dare take such a step easily or lightly. Yet, The American Lutheran Church accepts the possibility that an induced abortion may be a necessary option in individual human situations. Each person needs to be free to make this choice in light of each individual situation. Such freedom to choose carries the obligation to weigh the options and to bear the consequences of the decision.

The position taken by The American Lutheran Church is a pro-life position . . .

Though an induced abortion may be an appropriate action under compelling individual circumstances, much preferable is action to prevent a possible problem pregnancy.

Specific compelling circumstances may cause persons to question whether a particular pregnancy should be allowed to run its natural course or be terminated . . . Competent counseling strives for an understanding of what is involved in each option . . . Such counseling seeks to:

Take into account such considerations as: the circumstances under which the conception occurred; the maturity and the physical and emotional health of the prospective parents and of other children in the family; the economic factors at stake; and the influence of deeply held religious beliefs on a person's attitudes and actions in deciding alternatives to abortion; . . .

As Lutheran Christians we are deeply aware of the sinfulness in every human decision . . . We have the responsibility to make the best possible decision we are capable of making in light of the information available to us and our sense of accountability to God, neighbor, and self. For the rightness or wrongness of the decision to abort or to carry to term we rely on God's grace and His forgiveness.<sup>43</sup>

Extensive comment is not necessary. TALC is critical of abortion as the answer for problem pregnancies; it affirms that a developing human life is at stake, and it regards its position as pro-life. Up to a point, this is substantive pro-life writing, but then the edge is dulled and the impact is muffled as the document seems to retreat to the middle ground when it speaks of "compelling individual circumstances." At this point

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<sup>43</sup>"Abortion and Christian Counseling," Reports and Actions of the Seventh General Convention of The American Lutheran Church, Detroit, October 9-15, 1974, pp. 48-51.



TALC's stand is very similar to the LCA's stand related to the "evangelical ethic," although perhaps not spelled out quite as precisely.

Even without quoting specific passages, the statement has a Biblical orientation. It stresses the importance for the church to teach the meaning of life and to view its purpose from the Trinitarian perspective, giving application to the message of Law and Gospel and recognizing the high esteem with which Scripture regards children in terms of the blessing which they can bring. The statement has many salutary things to say in the context of our discussion.

TALC continues to address itself to the abortion issue. At its 1976 convention, the delegates received a statement written by Dr. James Burtness of Luther Seminary in St. Paul. The statement was an appendix to a broader document entitled, "The Value of Human Life." Both were prepared at the direction of the 1974 General Convention and are to be distributed to congregations for study. According to The Lutheran Standard, the statement warned that Lutherans "need not question one another's faith on the basis of positions taken on this or other morally debatable issues."<sup>44</sup>

#### The Lutheran Church--Missouri Synod

The LCMS position on abortion has been firm and consistent in its opposition to the practice. At its 1967 convention in New York, the Synod directed the Commission on Theology and Church Relations

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<sup>44</sup>"Convention Pledges Help to Hungry and Oppressed," The Lutheran Standard 16 (November 2, 1976):19.



(C.T.C.R.) to study the abortion question.<sup>45</sup> Four years later, in response to that resolution, the C.T.C.R. produced the document Abortion: Theological, Legal and Medical Aspects. That same year, 1971, the convention resolved to receive the document and to commend it to the membership for reference and guidance.<sup>46</sup> However, the work load of that convention did not allow the resolution to reach the floor, so it was referred under an omnibus resolution to the Board of Directors.

This C.T.C.R. document, especially for what it says with regard to "theological aspects" of the abortion issue, is deserving of careful attention.

That life in the womb must be thought of in terms of personal being is a point made clear by such passages as Exodus 21:22-24, where the law of retaliation is made to apply in cases of injury to a mother or a child in her womb or to both; and Jeremiah 1:5, which speaks of the consecration of the prophet before he was born. The evangelist Luke, moreover, describes how the unborn baby in Elizabeth's womb leaped for joy at Mary's greeting, thereby responding in the manner in which all men are expected to react to God's presence.

. . . The beginning of human life may not, therefore be cut short at will without risking the danger of distorting God's will.

. . . The possibility or even the likelihood that a child-to-be-born will be a financial burden is not of itself sufficient reason for choosing to abort incipient life. Even very grave psychiatric considerations do not of themselves offer a justifiable ground for deciding on an abortion.

. . . The fourth guiding principle is that life and death belong to the province of God. Therefore, no person has a right to extinguish human life by a decision of his own, made apart from general precepts that express God's will.<sup>47</sup>

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<sup>45</sup>R 2-28 "To Refer Diaconate, Work and Leisure, Therapeutic Abortion, Sterilization, and Euthanasia for Study," Convention Proceedings of the 47th Regular Convention of the Lutheran Church--Missouri Synod, New York, July 7-14, 1967, p. 94.

<sup>46</sup>Abortion: Theological, Legal and Medical Aspects reprinted in Convention Workbook of the 49th Regular Convention of the Lutheran Church--Missouri Synod, Milwaukee, July 9-16, 1971, pp. 501-504.

<sup>47</sup>Abortion: Theological, Legal, and Medical Aspects (Lutheran Church--Missouri Synod Commission on Theology and Church Relations, 1971): 2-3.



The document acknowledges the complexity and the human trauma which are involved with a matter such as abortion. But it does not proceed to let the standards of society or popular opinion determine the principles which need to be set down. While recognizing that there may be a valid necessity for a therapeutic abortion, although such cases are rare, the document would emphasize that there is a person developing within the womb and to interfere with that initial stage of life is to tamper with the will of God. The document does not give an in-depth treatment of the Fifth Commandment aspect of this problem and tends to restrict the commandment's application. It states:

The commandment "Thou shalt not kill" was given specifically to forbid murder, that is, killing with malice or hatred aforethought. It is hardly proper, therefore, to make a direct application of this commandment to every act of abortion, since not hatred or malice may be involved in a given case. Nevertheless, it must be kept in mind that life comes into being as a special creative act of God, and no gift of His can be either rejected or destroyed with impunity. Any decision on the issue of abortion must take this last point with ultimate seriousness.<sup>48</sup>

Even though the 1971 convention did not have the opportunity to officially endorse the C.T.C.R. abortion document, it did adopt a resolution, "To State Position on Abortion." Because the resolution expresses the position of the Synod in a direct and concise manner, the full text is worthy of note.

WHEREAS, Life comes into being by an act that shares in the creation power of God Himself; and

WHEREAS, Human life is designed to inherit eternal life; and

WHEREAS, Life and death belong to the providence of God, and no person has the right to extinguish human life by a decision of his own, made apart from general precepts that express God's will; and

WHEREAS, The children of God are living in a fallen world; therefore be it

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<sup>48</sup>Ibid., p. 3.



RESOLVED, That the Synod regard willful abortion as contrary to the will of God; and be it further

RESOLVED, That if such a choice must be made by the children of God, they do so recognizing that it is neither our motives nor the necessity that justifies them before God, but only the grace and forgiveness of God in Christ Jesus; and be it finally

RESOLVED, That the members of the Synod remember to deal lovingly also with the offense of sinful abortion, "for where sin abounded, grace did much more abound." (Rom. 5:20)<sup>49</sup>

At that same convention a Social Ministry Affirmation was adopted which further emphasized the position of the Synod. Under Section III, "We Affirm that Human Life is God's Gift," the Synod spoke the following:

We encourage all people to avoid perverting God's will by resorting to indiscriminate termination of life, either directly through such acts as abortion or euthanasia, or indirectly through the improper use of drugs, tobacco, and alcohol, or any of God's means for sustaining life.<sup>50</sup>

The 1973 New Orleans Convention, plagued by an excessive work load, did not complete all of its business, and again the abortion issue was among many resolutions not reaching the floor. But to indicate that the LCMS was holding firm, a resolution was introduced and later referred under omnibus R 4-47 to the Board of Directors, which set out "To Re-affirm Synodical Position on Abortion." One of the "Resolved" clauses read as follows:

RESOLVED, That the Lutheran Church--Missouri Synod reaffirm its position regarding willful abortion (abortion on demand) as contrary to the will of God;<sup>51</sup>

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<sup>49</sup>R 2-39 "To State Position on Abortion," Convention Proceedings of the 49th Regular Convention of the Lutheran Church--Missouri Synod, Milwaukee, July 9-17, 1971, p. 126.

<sup>50</sup>R 9-07 "Social Ministry Affirmation," *ibid.*, p. 191.

<sup>51</sup>R 2-19 "To Reaffirm Synodical Position on Abortion," Convention Proceedings of the 50th Regular Convention of the Lutheran Church--Missouri Synod, New Orleans, July 6-13, 1973, p. 116.



At that same convention another resolution was introduced, "To Encourage a United Position on Abortion in Harmony with Scripture and the Confessions." Even though this resolution did not receive the attention of the voting delegates, for our purposes that resolution was significant as it sought a united position on the abortion issue with the LCA and TALC. It was suggesting that such a position did not currently exist, and it indicated that to achieve such a harmonious position, it would have to be done on the basis of Scripture and the Confessions. In part, the resolution stated:

WHEREAS, It would be desirable for the Lutheran Church in America and The American Lutheran Church and the Lutheran Church--Missouri Synod to present a united position on abortion which is in harmony with Scripture and the Confessions; therefore be it

RESOLVED, That the Lutheran Church--Missouri Synod encourage its President, in consultation with the Commission on Theology and Church Relations, to seek ways in which a united position can be developed.<sup>52</sup>

At the 1975 Anaheim Convention a resolution was introduced which encouraged members of the Synod to become publicly involved in the pro-life movement. In part, it was resolved:

That the Synod urge its members to support efforts being made by members of the United States Congress and members of state legislatures to provide constitutional protection for all human life, including the unborn, that all might enjoy "the equal protection of the Laws" and the rights of "life, liberty, or property" as guaranteed under the 14th Amendment of the Constitution; . . .<sup>53</sup>

But the work load at this convention exceeded the time which had been allotted so the resolution did not receive attention before adjournment.

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<sup>52</sup>R 2-28 "To Encourage a United Position on Abortion in Harmony with Scripture and the Confessions," Convention Proceedings of the 50th Regular Convention of the Lutheran Church--Missouri Synod, New Orleans, July 6-13, 1973, pp. 118-119.

<sup>53</sup>R 3-23A "To Support Efforts to Protect the Unborn," Convention Proceedings of the 51st Regular Convention of the Lutheran Church--Missouri Synod, Anaheim, July 4-11, 1975, p. 56.



Such was also the case with another resolution which had been introduced "To Affirm the Sanctity of Life."<sup>54</sup>

At the 1977 Dallas Convention, however, a strong resolution on abortion was passed. The very title of the resolution was an affirmation of life--"To Support Efforts to Protect the Living but Unborn"--and with Biblical support and pastoral concern, this resolution has become the most forthright statement on abortion by the LCMS. Members were encouraged to take an active role in speaking on behalf of the unborn and in supporting public officials who are working to provide protection for all human life. The resolution applies the Fifth Commandment in both its narrow as well as its broad sense. Even though the commandment is not referred to directly, regard for the Law of Life is implicit throughout. To appreciate the thrust of this resolution, we quote from a portion of the RESOLVES:

RESOLVED, That the Synod encourage all of its members to support, both corporately and individually, programs designed to speak for the living but unborn child and to protest publicly the sin of abortion on demand;<sup>55</sup>

Further action on this issue has been initiated by the Social Concerns Committee (S.C.C.) of the C.T.C.R. Since 1974 the S.C.C. has assisted in the development and sponsorship of Life Concern Workshops throughout the Synod. At least thirteen such workshops have been conducted in an effort to provide guidance for the church with the study of a number of issues that are important to the life of the church today,

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<sup>54</sup>R 8-10 "To Affirm the Sanctity of Life," *ibid.*, p. 166.

<sup>55</sup>R 3-08C "To Support Efforts to Protect the Living but Unborn," Convention Proceedings of the 52nd Regular Convention of the Lutheran Church--Missouri Synod, Dallas, July 15-22, 1977, p. 131.



specifically that of abortion and related life concerns.<sup>56</sup> Considered alongside the LCA and TALC, the LCMS is unique when it comes to activities such as these.

This is also true of the public stand taken by the LCMS on abortion in the testimony Mrs. Jean Garton gave before the United States Senate and House of Representatives. In March 1974 Mrs. Garton, a member of the S.C.C., was invited to appear before the U.S. Senate Subcommittee conducting hearings on human life amendments to the U.S. Constitution. At that time Mrs. Garton placed the 1971 Milwaukee resolution, "To State Position on Abortion," and the C.T.C.R. Abortion document into the Congressional Record for consideration by the senators along with her own excellent remarks. The full text of her presentation appears on pp. 56-57 of the 1975 Convention Workbook, from which the following is quoted.

I am also concerned as a woman, as are many of my more vocal sisters, with the right to control my own body. But in this context, such a claim is sheer sophistry, for we are speaking, quite simply, of the body of another human being.

Two of the children I carried are boys. Can one body be male and female at the same time? Two of my children have blood which differs in type and factor from mine. Can two different blood types be compatible and exist at the same time in one body? And what of the child who died while I still carried him? Can one body be alive and dead at the same time? Abortion, by any reasonable biological standard, is the destruction of a separate human life . . .<sup>57</sup>

In March 1976, Mrs. Garton, along with Dr. Eugene Linse, spoke on behalf of the LCMS before the United States House of Representatives

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<sup>56</sup>"Work of the Social Concerns Committee," Convention Workbook of the 51st Regular Convention of the Lutheran Church--Missouri Synod, Anaheim, July 4-11, 1975, p. 56.

<sup>57</sup>"Report of the Commission on Theology and Church Relations," ibid., p. 56.



Judiciary Sub-Committee on Civil and Constitutional Rights. The testimony of both individuals was logical and persuasive, as well as theological and precise. Again, the entire text of their remarks would commend itself to any concerned reader, but these excerpts catch some of the flavor. Mrs. Garton rhetorically asked:

Who is to define when a human being is a "person in the whole sense," at least in such a way that my children--and each of us--are guaranteed continued inclusion? . . .

. . . For Cain the world was overpopulated as long as Abel was in it. Abel was a threat to his quality of life--his preferred life style. Abel was unwanted and therefore expendable. How far have we progressed from that primitive solution to unwanted others?<sup>58</sup>

And Dr. Linse said:

I have heard it stated that to enact proposals prohibiting abortion, except in limited and medical emergency situations, into law or into a constitutional amendment is itself a violation of the guarantees of freedom of religion, that is, the freedom to follow the dictates of one's conscience, protected in the First Amendment. That, in my judgment, is an argument involving a distortion of the first magnitude. In addition, moreover, to argue that those who have religious convictions should remain silent lest they foist their views on those who disagree with them, is a classical denial of the freedom of dissent and the freedom to petition for redress of grievances, both protected by the same First Amendment. To return to the first argument, the religions of the world all place a high value on life. To my knowledge, no religion, certainly no organized religion in the Judeo-Christian tradition in Western civilization, advocates private executions among its tenets.<sup>59</sup>

One final word concerning the LCMS posture should be added. In 1972 The Springfielder, at that time the theological journal of Concordia Theological Seminary, then of Springfield, Illinois, published an article by Dr. David Scaer entitled "Abortion: A Moment for Conscientious Reflection." In the article, the author offered some penetrating theological

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<sup>58</sup>"Report of the Commission on Theology and Church Relations," Convention Workbook (Reports and Overtures) 52nd Regular Convention of the Lutheran Church--Missouri Synod, Dallas - July 15-22, 1977, p. 55.

<sup>59</sup>Ibid., p. 57.



reasons for considering human embryos to be human beings. Mention is made of this article not only because of its quality, but also because of its singularity. From among the LCA, TALC and LCMS, this was the only exclusively theological treatment of the subject of abortion to appear in a theological journal of the respective church bodies. The Lutheran Quarterly, a joint publication of the theological seminaries of the LCA and TALC had no article on the subject.

### Conclusions

It is not difficult to discern an obvious difference among the positions held by these three major Lutheran bodies. The LCA has a liberal position which amounts to a toleration of abortion on demand. TALC, on the other hand, clearly offers the middle-road approach between the LCA pro-abortion stand and the LCMS pro-life stand. TALC has sincerely wrestled with the issue and has not completely turned its back on the unborn child for an opposition to induced abortion has been expressed. But TALC also wants to have it both ways by tolerating a more permissive attitude which allows individual freedom to have the last word. While the LCA is decidedly pro-abortion, TALC must be described as vacillating on the issue. This of course is not in harmony with the posture enunciated by the LCMS. Clearly, the LCMS is distant from the LCA in their stand, and though considerably closer to TALC, still these two positions are not fully compatible.

The divergent positions surveyed in this part of the chapter are symptomatic of the unsettled, uncertain and inconsistent arena within which fellowship, discussions and declarations currently reside. While no one has suggested that abortion is the pivotal issue for establishing



God-pleasing fellowship among Lutherans, the lack of unity on this issue is indicative that American Lutherans do not have full agreement with regard to doctrine and practice. This survey would also raise the question concerning the attitudes of the three church bodies toward the Scriptures. When the LCA and TALC can justify abortion procedures beyond that of saving the mother's life and the LCMS says that the Scriptures forbid a willful destruction of life, we are confronted with a different approach to the Scriptures and their proper use.

The Biblical and confessional material which has been previously surveyed revealed a deep and awesome reverence for the sanctity of life. The Scriptures and the Lutheran Confessions, as we have studied them, are not so much anti-abortion in their statements as they are pro-life. We have seen little resemblance, however, between the LCA position on abortion and the Biblical and confessional position as outlined in this paper. The LCA has seemingly shifted from an absolute authority base on this issue, as Scripture and the Lutheran Confessions would provide for us, to a principle of individual choice and personal preference on the matter.

When the position of TALC is compared with the Biblical and confessional norm it takes on the characteristics of a flashing, neon light. There is a distinct reverence for life as God has created it and a sincere desire to avoid, or at least to discourage, the destruction of that life through various abortion techniques. But that distinct reverence has an equally distinct tendency to become somewhat nebulous and blurred when confronted with individual situations in which an abortion is considered or requested. At that point the



Biblical and confessional position on life seems to fade into the background as the feelings or desires of the individuals involved frequently take precedence over other considerations.

The position of the LCMS on the abortion issue over against the position of Scripture and the Lutheran Confessions is one of compatibility and unanimity. The public posture of the LCMS is identical with the authority base of Scripture and the Lutheran Confessions. The LCMS, quite apart from the LCA and TALC, has not only been clear in the statement of its thesis--that God given life is sacred and to be preserved from the moment of conception on--but it has also been clear to speak a word of antithesis in protest of legalized, non-therapeutic abortion. This antithetical quality should be regarded as a distinguishing characteristic of a truly confessional church. The evidence that has been presented would seem to point to these conclusions.



## CHAPTER V

### PASTORAL APPLICATION OF THE LAW OF LIFE TO SPECIFIC ABORTION SITUATIONS

#### Beware of Difficulties

The validity, the function, and the importance of the Law of Life should be clear in our mind. Now we must apply what we know. We do so, however, with a sanctified wisdom that recognizes the pluralistic society in which we live. The Law of Life and its application, as presented in this paper, will be unacceptable to the adherents of a humanistic society. Early in his book, Daniel Callahan made the same observation about a pluralistic society. "The very diversity of values in a pluralistic society makes it difficult to come to grips with the moral question; we share no single, coherent value system."<sup>1</sup> John Rushdoony has assessed the situation very well when he wrote:

Clearly, a religious war is in process, between humanism and Christianity, and in that war, church, state and school are almost wholly on the side of humanism as against Christianity. But history has never been determined by majorities but rather always and only by God.<sup>2</sup>

The Christian of course should not be surprised by this situation. People are going to act on the basis of whatever kind of faith is

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<sup>1</sup>Callahan, Abortion: Law, Choice and Morality (London: The MacMillan Co., 1970), p. 13.

<sup>2</sup>Rushdoony, The Institutes of Biblical Law (Los Angeles: The Craig Press, 1973), p. 227.



operative in their lives. If that faith be humanism, inevitably questions related to abortion will be determined on the basis of a human standard and not according to the Law of Life. The humanist will not view the world as God's handiwork but as his own. If the God of the Scriptures does not exist, then man becomes his own god and the world's lord and maker.

A most striking illustration of this axiom is provided in R. F. R. Gardner's book, Abortion: The Personal Dilemma. In referring to the situation that transpired in Great Britain after the liberalized Abortion Act of 1967 was passed, largely through the lobby efforts of the Abortion Law Reform Association (ALRA), Gardner had learned this about the ALRA members:

Although most of its members had been brought up in the conventional religious denominations, the rate of lapse from religious observance was striking. Seventy-four percent were now atheists or agnostics. Half the members had been born into Anglican homes but only ten percent were still Anglican in 1968 . . .

The importance of the agnostic in the abortion debate is that he and the Christian are not talking about the same thing . . . When . . . he (Gardner) propounded in public debate the Christian implications of abortion, one of the opposing team (a member of the ALRA's medico-legal counsel) brushed them aside in a sentence, remarking, "I am not able to discuss the matter as I am not a theist."<sup>3</sup>

The Christian views the whole world and every aspect of his own life, including the problem of abortion, in relation to a just God and Savior, to Whom each of us will one day have to give an account, and before Whom every knee shall bow. The Christian knows that before there was life there is God. An unconditional love for God's gift of life, as outlined in our discussion of the Law of Life, can only come after we

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<sup>3</sup>Gardner, Abortion: The Personal Dilemma (Grand Rapids, Mich.: William B. Eerdmans, 1972), pp. 55-56.



have been loved by God through His Son. Love of God comes before love of life. The Love of God is the basis of the Law of Life. In the humanistic literature of our pluralistic society quite a different picture has emerged.

But now having gained a judicious understanding of this caveat, let us not belabor the point. Let us rather proceed to the task at hand as we endeavor to make a pastoral application of the Law of Life. Abortion decisions affect the lives of real people and we must be able, in a pastoral relationship, to offer the guidance of the Law of Life to those who find themselves at this difficult crossroads.

#### Pastoral Application to Seven Abortion Situations

The following should not be regarded as some kind of a "how-to" textbook that will provide a packaged formula for every conceivable abortion situation. Nor do we intend to minimize in any way the complexity and the anxiety that can seem to overwhelm those who must wrestle directly with this problem. It should go without saying that Christian pastors and counselors will demonstrate a keen awareness and sensitivity to the emotions and feelings of those to whom they will minister in these kind of situations.

And yet the wise Christian pastor or counselor will not allow these kind of situations to be ruled by emotions and feelings. God's truth, embodied in the Law of Life, must also be clearly heard and winsomely applied. In making critical decisions, in this case very literally a life and death decision, people need more to guide them than the fluctuation of unstable emotional reactions whose jello-like consistency will frequently deceive or betray. Objective principles of



truth, as defined by the will of God, must be given the kind of priority which they deserve because they afford the kind of direction which people need and can rely upon.

Some will insist that the counseling process should remain open-ended and that the counselor is to interject neither a value system, nor is he to make any value judgment which might ultimately determine the decisions that are made. Eldon Weisheit, for example, has written:

Theological statements need to be applied in practical language so the counselee can understand why some people object to abortions and others approve. She should realize that some will criticize her for having an abortion, others will criticize her for having the baby. The counselor must help the woman understand her own moral principles. Does she think that abortion is moral, or is she willing to consider going against her own conscience? Is she choosing the lesser of two evils? If so are there other choices?

Though the counselor's job is to be a resource of objective information, he or she need not share all the information available.<sup>4</sup>

In terms of those who are confronted by an unwanted pregnancy, such counseling can only be translated into a non-committal type of attitude, i.e. "make your own decision--abortion is an option." Over against the prevalence of such attitudes and approaches to abortion counseling, a pastoral application of the Law of Life will stand in sharp contrast. While we cannot force decisions upon people, abortions and the Law of Life are hardly to be considered a "non-committal" kind of subject. When we apply the Law of Life, we are making known God's alternative to abortion. Since that alternative is all too frequently misunderstood or completely ignored, it needs to be given a positive presentation in every abortion situation.

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<sup>4</sup>Eldon Weisheit, Abortion? Counseling Resources (St. Louis: Concordia Publishing House, 1976), pp. 111-112.



In order to make this pastoral application, seven specific abortion situations will be discussed. In his book, Abortion: The Agonizing Decision, David Mace has outlined what he considers to be the seven basic set of pregnancy circumstances within which an abortion may be considered as the answer to the problem.<sup>5</sup> Drawing upon his framework, and recognizing that a variety of factors, as well as the personalities involved, could significantly alter the basic situation, we shall utilize his experience to suggest a pastoral application of the Law of Life.

- 1) The unmarried woman who is pregnant by a man she does not want to marry, or who is unwilling to marry her.

If we can judge statistically, this is probably the most common set of circumstances which may lead to an abortion. It will generally involve a teenager whose casual or intimate premarital sexual experiences have resulted in a pregnancy. When one-third of all abortions are performed upon teenagers and the so-called sexual revolution continues to multiply the incidents of permissive sexual behavior, the evidence would seem to suggest that young, unmarried girls have increasingly turned to abortion as a corrective to contraceptive failure or as the way out of an unwanted pregnancy.

The girl in this situation is often caught up in a maze of confusion and conflicting emotions. Discovering that she does not love her lover, or that her lover has abandoned her, the girl is left alone and bewildered to make a decision with regard to the new life within her.

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<sup>5</sup>Mace, The Agonizing Decision (Nashville: Abingdon Press, 1972), pp. 118-120.



Unless she has the loving support of her parents and of the church in this time of crisis, she may find herself swept into the vortex of irresponsible peer pressure.

The availability of abortion clinics has made this the expected and/or accepted recourse for the pregnant young lady in this situation. If she does not choose to abort, then she must either carry the child to term and then turn it over to a licensed adoption agency, or raise the child alone, hopefully with help from her family, until she does marry. To many, either of the last two options may appear as the more inconvenient and less desirable way to go.

Here there is a need for the responsible application of the Law of Life. The broad understanding of the Fifth Commandment will prompt a compassionate concern on the part of the parents, the church and the pastor for the well-being of this girl's life, as well as that of the child which she now carries. To simply encourage the girl to have an abortion and to get this messy situation behind her, not only destroys the innocent, God-created life conceived within her, but it in no way addresses the situation which led up to this, nor has anything been done to prevent it from happening again.

The Law of Life compels us to deal with the full scope of this problem. First, the girl must be led to earnestly repent for her misuse of God's gift of sex. She may then be assured of God's gracious forgiveness for the sake of Christ. As forgiveness is proclaimed through Word and Sacrament and visibly demonstrated by expressions of acceptance from her family, the church, and the pastor, a reduction of emotional tension will follow, providing a more deliberate situation within which the pregnancy can be considered.



The Law of Life could then function effectively to examine what takes place in an abortion so that the girl would be fully aware of what she would be doing to herself and to her child should she choose to have an abortion. She must be informed of the destructive nature of an abortion and of the possible hazards to her own health which are also involved.

None of the abortion techniques are without their dangers to the mother's health and instances of maternal death have been recorded with every method. There is also the possibility of pelvic infection, hemorrhage, uterine perforation, menstrual disturbances, the occurrence of ectopic pregnancies and spontaneous abortions following subsequent conceptions, as well as sterility and psychiatric problems of guilt and remorse.<sup>6</sup>

Perhaps most of all the Law of Life would be instructive, showing the young girl the divine origin of life and impressing upon her that she has such a life within her womb. As difficult as the circumstance may appear to her, she has already assumed the responsibilities of a parent. She is no longer a potential mother--she is a mother. She no longer has the choice of accepting or rejecting God's gift of a new life for that gift has already been given. She must be shown the privilege, as well as the responsibility, which is hers, and she should be given the assurance that even as the Law of Life should be invoked on behalf of the child within her, even so the Lord of Life will equip her and strengthen her to make a God-pleasing decision that she will not regret and that she can see through to its conclusion. The Law of Life,

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<sup>6</sup>Callahan, Abortion: Law, Choice and Morality, pp. 31-43.



when soberly applied to this situation, can avert needless abortions and begin the restoration process so necessary for spiritual healing. An abortion should not be the automatic answer to a pregnancy in this kind of situation. Adoption agencies have long waiting lists of childless couples who want to adopt an infant and would welcome the opportunity to become parents regardless of how the child was conceived. The homes are available, but so often the children are not because the mother chose to have an abortion. The Law of Life can give this girl a new lease on life--and preserve the life of her child as well.

- 2) The unmarried or recently married woman, pregnant by the man she plans to marry or to whom she is already married, but to one or both the pregnancy seems inappropriate.

The individuals in this situation have three options for their unwanted pregnancy. They can revise their judgment and keep the child; they can have the child but offer it for adoption; or the child can be aborted. In such cases the pregnancy is usually deemed inappropriate because of its timing. It may appear to interfere or even to make impossible the educational plans or vocational goals which these people had in mind.

Here the Law of Life perspective needs to be maintained. The Law of Life should function very strictly in this case in order to clarify the issue. In this circumstance, the selfishness of the abortion option must be exposed. There is no other way to define it. Those who would elect to abort their unborn child simply because it did not happen to fit into their time schedule, or because other pursuits were given priority over the child, are operating with a severely distorted system of values. The absoluteness of the Law of Life must be



conveyed to these parents in an effort to realign their value system according to the priority which God has given to life. They need to be reminded that had their parents chosen to have an abortion when they were conceived, then they themselves would have no life. Their selfishness needs to be transferred to an esteem for the life which God has given to them through their union. The positive thrust of the Law of Life must be held before them.

And should they still decide to abort the child rather than to revise their judgment or to give the child another home, then they must be confronted with the act of murder which they have chosen to selfishly carry out in violation of the Law of Life. If these people were members of the church, the believers in that place, out of love, would have to begin the process of church discipline in regard to this matter. What may have begun as an unwanted pregnancy need not result in an unwanted child when the Law of Life has been judiciously understood and applied. But if an unwanted pregnancy results in no child at all because an abortion has been performed, then Christian discipline is in order.

3) The married woman who already has completed her family as planned and unexpectedly finds herself pregnant again.

This can be a real "shocker" and it can create a great deal of psychological turmoil. Children are demanding of a mother's time and interest. Especially during the infant and early childhood years, family responsibilities consume and restrict a mother's schedule. But to assume that these days were behind her and then to suddenly learn that she was pregnant again could indeed prove to be very emotionally upsetting. Physically speaking, there is nothing to discourage her



from having another child. She and her husband had simply not planned to have any more children.

An abortion would again present itself as the quick and obvious way out of the dilemma; otherwise there must be a change of heart and mind allowing the child to be born and to assume its natural place in the family circle. This is a situation which many pro-abortionists seize upon for their sloganeering of "every child a wanted child," suggesting that an abortion is the ethical thing to do if the child is unwanted by its parents. But such simplistic logic totally ignores the Law of Life as God's alternative to abortion. While an abortion may appear to be the easy way out of an unplanned pregnancy when no additional children were desired, that unborn child must still be valued according to the Law of Life. Jean Garton, who was recently awarded an honorary doctorate from Concordia Seminary in St. Louis and who is currently serving on the S.C.C. of the LCMS, has effectively addressed the "every child a wanted child" slogan when she writes:

TO USE WANTEDNESS in connection with human beings is to reduce them to objects. We usually want "things": a vacation, a new car, a hamburger. But to "want" or "not want" human beings, is to dehumanize them. WOULDN'T IT BE WONDERFUL if every child were wanted . . . if there were no unwanted husbands by wives . . . no unwanted aged parents by children, no unwanted Blacks, handicapped, mentally retarded . . . NO UNWANTED ANYBODY! But the measure of our humanity, indeed our Christianity, is not that there are no "Unwanted Ones" among us, but rather what we do with them. Shall we care for them or kill them? AS CHRISTIANS who recognize that we are imperfect, handicapped, undeserving, unacceptable (even enemies, Scripture says) and do not deserve life, spiritual life, eternal life, we will all the more want to follow the example set by The Master who "wanted" us into being, the love of The Father who could have 'aborted us' but adopted us instead.<sup>7</sup>

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<sup>7</sup>Jean Garton, "Choices on Our Conscience," excerpts from a prepared speech (copies were later made available by mail) delivered at the



A delicate and sensitive counseling approach, utilizing the Biblical content of the Law of Life, could affect the change of heart and mind on the part of both husband and wife toward the continuation of their duties as father and mother. As they were led to a closer relationship with the Lord of Life, whose Name gives authority to the Law of Life, their faith would come to trust the wisdom of His gift of an unexpected child, rather than insisting that their plans alone were important.

Dietrich Bonhoeffer was oriented toward the Law of Life and seemed to have this kind of situation in mind when he wrote:

Marriage involves acknowledgement of the right of life that is to come into being, a right which is not subject to the disposal of the married couple. Unless this right is acknowledged as a matter of principle, marriage ceases to be marriage and becomes a liaison. Acknowledgement of this right means making way for the free creative power of God which can cause new life to proceed from this marriage according to His will. Destruction of the embryo in the mother's womb is a violation of the right to live which God has bestowed upon this nascent life.<sup>8</sup>

The Law of Life, properly understood and applied, can prove to be the antidote which will alter parental attitudes in a positive way toward the acceptance of an unplanned pregnancy. Abortion statistics should not increase from these kind of situations--not when the Law of Life is apprehended as God's alternative to abortion.

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Southern Illinois District Pastoral Conference of the LCMS, held in Steelvinne, Ill. on October 13, 1976.

<sup>8</sup>Dietrich Bonhoeffer, Ethics, trans. Neville Horton Smith (London: SCM Press Ltd., 1955), p. 130.



4) The married woman who is pregnant by a man other than her husband.

Many are the complications which can evolve out of this kind of intrigue. Considerations will include whether the husband knows the facts of his wife's pregnancy. The woman could abort the child and conceal her pregnancy as well as the child's paternity from her husband. She could also keep the child and yet conceal the paternity. If she is honest with her husband, he may insist upon the abortion as the stipulation for keeping her as his wife. Or, he may be deeply forgiving and want to keep her and the child. Or, she may elect to leave him for the other man with the decision to abort still pending.

This is a sordid situation. While it may sound like a scenario from a soap-opera, it is also a sad and all too frequent episode from real life. That such circumstances readily lead people to have an abortion is more than obvious. For those embroiled in such affairs, abortion is usually a mere corollary detail.

And in point of fact, given this set of circumstances, the abortion issue becomes somewhat ancillary to the whole discussion. Unless the woman is truly repentant and sincerely desires to amend her sinful ways with the assistance of God the Holy Spirit, abortion counseling notwithstanding, such a person will continue to make decisions in her own self-interest. Somewhat similar to the first situation that we considered, the Law of Life, in its broad sense of love for the neighbor's total welfare, would motivate us to show this woman what her extra-marital affair was doing to herself, to her marriage and to her relation with God. She must learn to see the deadly decay which her conduct has



fostered in terms of her spiritual life before there will be any serious regard for the life principle and the life that is growing within her.

If she does not resist the Spirit's efforts to turn her about through the admonition of the Law, and her heart becomes fertile soil for the seed of the Gospel--God's redeeming and forgiving power--then her life can take a new and sanctified direction. The woman's husband would also have to be involved in this process somewhere along the line for there would be the need of reconciliation between the two of them in a situation of unfaithfulness such as this.

When there has been a spiritual change on the part of those involved in this set of circumstances, that change will completely adjust the thinking on the question of abortion and the relevance of the Law of Life. What may well have been expendable to the husband or the wife in their own self-interest takes on a new significance in the light of their own redemption. But if the Spirit is resisted, the Law of Life must still be heard; it will be heard, however, speaking a word of judgment upon its violators. Those who acquire an abortion in this kind of situation must be told very directly that an abortion will not remedy the situation; ultimately, it will only compound it.

5 The married woman wants to keep her child, but the physician's judgment is that it may be injurious to her health.

Unless the woman should decide to take the risk to her own health and carry the pregnancy to full term, a therapeutic abortion, in the proper sense of that term, would probably result in this situation. Hospital records and competent physicians will attest to the fact, however, that this situation is rare. Maternal deaths resulting from the



pregnancy itself are practically non-existent. A questionnaire was sent in 1965 to sixty-five randomly selected United States hospitals, reports David Granfield, and the incidence of therapeutic abortion ranged from no abortions in 24,417 deliveries to one in thirty-six deliveries.<sup>9</sup>

While this situation does not pose the same dilemma as it formerly did, the woman who may find herself with this most awkward decision--to risk her own health against a doctor's probable diagnosis of serious harm and possibly death, or to abort the child that she very much wants to carry to full term and thus cause its certain death--can be given no easy answers. The abortion will definitely take a life. If there is no abortion, the mother may die and perhaps the child also.

Here the Law of Life would compel those involved in this situation to carefully and prayerfully examine their motives as they make their decision. It is difficult to resist the idea that the imperiled life of the mother is more important than the life of the unborn child. Christians (with the exception of Roman Catholics) have generally made this decision and opted for the life of the mother over that of the fetus. Every kind of logic would seem in favor of such a choice.

But if medical considerations lead to the conclusion that the child should be aborted, the serious implications of the Law of Life will still cause a Christian to struggle and to speak a faltering "yes" to such considerations. Perhaps no other decision so poignantly illustrates the fallen condition of our humanity than this one. This does not become a matter of making the right decision, but of making a

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<sup>9</sup>Granfield, The Abortion Decision (Garden City, N.Y.: Doubleday & Co. Inc., 1969), p. 102.



decision that will involve a lesser evil. The Law of Life continues to have its point of application and Kurt Hennig has written to that point with sensitive precision.

But such a person must realize what he is affirming. Somehow it remains a trespass of the commandment "Thou shalt not kill," even though one is able to tell himself that a life would have been equally jeopardized had the other way been taken. For the Christian, at any rate, such a decision is a very difficult form of the brutal alternative, you or me! Consequently, there can be no talk here of a neat, inherent justification for "medical advisability." Yet a Christian or, more precisely, a Christian married couple caught in the middle of such a cruel situation may choose to interrupt the pregnancy, not because it is "right" but because they hope that God will not withhold his forgiveness even at this point and that his mercy--here as well--has no end.<sup>10</sup>

This is the Law of Life!

- 6) The woman wants the child, but is told by her doctor that it may, as a result of hereditary or congenital factors, be born defective.

Under these conditions one must be very intent to understand and to uphold the Law of Life for it can easily be swept aside. There is nothing which expectant parents would fear more than the possibility of giving birth to a mentally or physically defective child. To know in advance that there was a statistical possibility this could happen presents an agonizing burden. Abortion advocates are quick to respond to this kind of mental heartache by proposing that the fetus be aborted, for its own sake as well as for the parents.

Such a proposal, though genuinely made in the name of humanity, is a monstrous one. Dr. Kenneth J. Ryan, professor of obstetrics and gynecology at Western Reserve University has unmasked this kind of proposal for what it is when he wrote:

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<sup>10</sup>Hennig, God's Basic Law, trans. George Williams (Philadelphia: Fortress Press, 1969), pp. 145-146.



If an abortion is performed (because of the statistical possibility of a deformed child) it is in fact done for the family and society, not for the unborn child. Although some parents and physicians have indicated a desire to abort out of compassion for the child who would bear these defects, this is a difficult moral line to follow . . . If someone is speaking for the fetus, he must realize that it might say, "Let me live."

. . . It is difficult to justify helping a child by aborting it, if the extent of the defects, or the actual existence of a defect is not certain but is, instead, based on statistical grounds.<sup>11</sup>

A society with a propensity to destroy that which is not beautiful, intelligent, healthy, strong, etc., is itself a deformed society. No doubt, mentally retarded or physically handicapped children are many times severely limited in terms of their outward productiveness in society. Defective births are usually regarded as a human tragedy which illicit our deepest sympathy for the parents of such children. Those most grievously afflicted and requiring institutional care are often a pity to behold and even repulsive to be around. But none of this can justify their extermination, either before birth or following birth. One cannot purchase relief from such misfortunes at the cost of life itself. The Law of Life heralds the sanctity of life. Life, in all of its assorted conditions, remains inviolable. The Scriptures refer to several instances of birth deformity (cf. John 9:1; Acts 3:2 and 14:8), but never do they treat these people in a disparaging manner, nor do we read that these people regretted the day of their birth simply because of their infirmity.

The Law of Life is not a subjective principle whose applicability is determined by external life qualities. The Law of Life does not change. Before parents would decide to terminate a possibly

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<sup>11</sup>Kenneth J. Ryan, "Humane Abortion Laws and the Health Needs of Society," in Abortion and the Law, ed. Smith (Cleveland: The Press of Western Reserve University, 1967), p. 66.



defective fetus, they must learn from the Law of Life that even a life with severe mental or physical imperfection is a gift from God. To abort that child is to abort God's gift of life to them. God tells us that His gifts are always good. Only those still living in spiritual darkness can judge such a gift of God to be evil or undesirable.

Motivated by the Law of Life, the fellowship of believers must exercise extreme compassion and generous support for the family raising a child whose mental or physical abilities have been limited. Caring agencies operated by the church, such as Bethesda in Watertown, Wisconsin, have long demonstrated this kind of Christian empathy and concern as they visibly implement the Law of Life and proclaim the value for which it stands.

Neither the parents nor the child are to be pitied, but they should be the recipients of a special capacity which gives expression to God's love and encouragement in Christ. Even those who are defective in mind or body can respond to that kind of love, sometimes more meaningfully and genuinely than those of us who are not. In this regard, the observations of Dr. John Klotz were effectively stated when he wrote:

The Bible gives us no reason to deny that God's gift of life also to this individual is good. God tries no one above his ability to overcome the trial, 1 Cor. 10:13. The cross that the individual must bear is often the fire that brings out and purifies the gold of faith . . .

This is also true of parents who may feel that another child or a defective child is a burden impossible for them to bear. The resources which the Christian has in God are boundless. While God does not send the evil, it comes with His permission because He knows that He will be able to bring good out of it, Gen. 50:20.<sup>12</sup>

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<sup>12</sup>John Klotz, A Christian View of Abortion (St. Louis: Concordia Publishing House, 1973), pp. 36-37.



The Law of Life merits the most careful kind of application in situations such as this, and in the pastoral context there needs to be a generous outpouring of patience and kindness and love.

- 7) The woman, married or unmarried, has become pregnant following felonious intercourse, either rape or incest.

Felonious intercourse is a revolting and despicable act. The fear, the humiliation, the indelible and horrible memories--all of this would inflict a most heavy toll upon a woman's life. We cannot begin to do justice to this situation with our feeble efforts of sympathy for a woman who has undergone such an injustice to her person. To be sexually assaulted must be for a woman the most degrading kind of experience that one can imagine. While it has been said, no doubt with some degree of accuracy, that a young girl will cry "rape" as her plea of innocence or as her way of revenge when she learns some two months later that what began as a memorable evening in a motel room with her boyfriend has now resulted in a pregnancy, yet the actuality of these vicious and brutal crimes cannot be denied.

But detestable as the act may be, certain facts should be remembered. Felonious intercourse does not automatically result in a pregnancy. Even should the attack occur during the four to five day fertile period in the woman's menstrual cycle, pregnancy will not necessarily result. Pregnancies resulting from felonious intercourse are rare.<sup>13</sup> The trauma caused by such an experience frequently alters the woman's menstrual cycle. Chemical changes in her body may even prevent ovulation during that particular cycle. Furthermore, if prompt medical assistance

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<sup>13</sup> Doctor & Mrs C. J. Willke, Handbook on Abortion, rev. ed. (Cincinnati, Ohio: Hays Publishing Co. Inc., 1975), pp. 38-40.



is obtained, and the victimized woman should not hesitate to seek such assistance, spermicides and irrigation procedures can virtually eliminate the possibility of conception. In Great Britain, for example, out of more than 54,000 abortions performed in 1969, only eighty were performed because the pregnancy resulted from felonious intercourse.<sup>14</sup>

Although the number of pregnancies resulting from felonious intercourse is small indeed, that does not minimize the personal agony for those who are among that number. If it were our wife or sister or mother or some dear friend who became pregnant because of the callous indignity of another man, with tempestuous despair we might wish to abandon every Law of Life consideration in favor of an immediate abortion, as though somehow this could neutralize the whole experience. Whether the woman is married or not, the thought of giving birth to another man's child, conceived against her will, would surely be a most wretched kind of thought.

The Christian cannot of course simply dismiss the Law of Life. In the act of felonious intercourse that Law has already been broken, and another rash action will not correct the first. The Law of Life would affirm that in spite of the wickedness involved with the child's conception, still the nascent child was in no way responsible for the action that took place and that life was still God's life. The Law of Life should not be made conditional upon how that life began. Christ's unconditional death was for that child also.

There may, however, be sincere Christian women who simply do not have the spiritual sufficiency to carry a child, conceived in this manner, to full term. They may not necessarily have feelings of

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<sup>14</sup>Gardner, Abortion: The Personal Dilemma, p. 169.



resentment toward the child, but the social stigma and the psychological hardship may prove to be too difficult for them to cope. If her suffering outweighs her maternal duties to the unborn child and the human life which God has allowed to grow within her, then she may be forced to do what she will know to be wrong, and what she will dearly ask God to forgive, by having an abortion and killing the child.

A very practical and a very pastoral postscript should be added to this discussion. First of all, before a woman would decide to abort a fetus under these circumstances, and hopefully such a decision would be made in conjunction with her husband, they should not fail to consider the possibility that the conception may have resulted from their own union. Should they have had intercourse during the wife's fertile period and prior to her assault, the child might well be the fruit of their own union. The possibility of aborting their own child should not be excluded, suggesting that sober reflection and extreme caution are in order before making that kind of irreversible decision.

Secondly, there needs to be a great deal of pastoral concern and attention given to the people in this most tragic kind of dilemma. We are not directed to apply the Law of Life in a cold and insensitive manner. The Christian community is called to bear the burdens of others and not to stand in judgment. In this way we fulfill the Law of Christ (Gal. 6:10).



## A FINAL CONCLUSION

This paper has demonstrated that the practice of abortion has become a trademark of our humanistic society. We gave extensive detail to the Biblical content which has been compactly drawn together into this concept, the Law of Life. The Biblical witness, the only durable authority base for our study, set before us the full scope and dimensions of the Law of Life, and it also confirmed that from the time of conception we can very properly speak of personal, human life within the womb. Our brief survey of Martin Luther's writings and of The Book of Concord provided us with a theological witness to the Law of Life which was very much in harmony with the Biblical witness and which served to reinforce what had already been established. We gained some historical insights as we listened to voices from Missouri's past and their consistent anti-abortion position alongside of their positive emphasis upon the gift of life. We also noted in that chapter, by means of a comparative study, that the LCA, TALC, and the LCMS currently hold rather different positions over against the problem of abortion. Finally, we attempted to examine some real life situations which often lend themselves to the practice of abortion. While the pastoral emphasis may take different forms, our purpose was to show how the Law of Life could serve as a guiding principle and be used for pastoral application.

The Law of Life transcends the medical, legal, social and political arenas. The Law of Life is one of God's glorious absolutes!



As Christians we believe, teach and confess that God the Father, our life-Giver, has not only created us, but through the priceless death of His only Son, and the Son's resurrection again on the third day, He has redeemed our life from sin, death and the power of the devil. The incarnation of the Christ and His bodily resurrection from the dead become a powerful and splendid attestation to the supreme value which God has given to His creatures. Sanctified by the Spirit, we believe that Jesus did indeed come in the flesh to redeem our flesh and to give us the right to live, the right to live in His Kingdom and to serve Him now, on this earth, and forever in eternity.

According to this paper, a premeditated, selfishly motivated act of abortion (and that would take in the vast majority of all abortions), is an act of murder, a blatant violation of the Fifth Commandment, an act of selfish-irresponsibility, a denial of the God-given right to live. An abortion is a convenient way to avoid responsibility, but the Law of Life is God's alternative to abortion.

Perhaps more than anything else the Law of Life embraces an attitude toward life. On the one hand this Law of Life attitude must reject the calloused-premeditation which regards the disposal of a fetus with the same indifference as the removal of an appendix. This Law of Life attitude must reject the use of an abortion as the convenient way for an individual to selfishly avoid his or her responsibilities to the unborn child. This Law of Life attitude must reject the oftentimes frivolous and rather cavalier approach which many in our society have taken to the whole problem of abortion.

But on the other hand, the Law of Life engenders an attitude toward life that can only be described as one of deep reverence and



respect, an attitude which is filled with praise and thanksgiving to the Lord for the magnificent life which He has given to us in Christ Jesus our Lord. By His grace we have life--and we are humbled. We stand in awe of His greatness. We cannot fully comprehend the breadth and the length and the height and the depth of the love of Christ (Eph. 3:18). This is our Law of Life attitude--"to God all praise and glory!"

With such an attitude, however, we do not close our eyes. Even where the calloused, selfish, indifferent approach to the abortion problem is not in evidence, there may yet be those very few excruciating situations when Christians will find themselves unable to clearly distinguish the will of the Lord. In a fallen world there will always be the borderline case. To that dilemma we can say nothing better than the wisdom expressed by Kurt Hennig.

We may sometimes be faced with a borderline case where it is required of us to hate our father and mother for his sake as in Luke 14:26, without prejudice to the Fourth Commandment. And a parallel situation relative to the Fifth Commandment can also occur. It might be precisely the grievous problem of killing emergent life. Even so, this commandment would not be vitiated at all. Must we add explicitly that such an extreme decision can never be used as a precedent and is supportable only providing the persons involved are able to believe and hope until the Last Day that their Lord is infinitely merciful and gracious?<sup>15</sup>

More could be said, but for now enough has been said. We summarize and conclude this paper with the effective assistance of Malcolm Muggeridge. Muggeridge was converted to the Christian faith during his adult life and has since become an apologist for its truth. These are his very thoughtful words.

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<sup>15</sup>Hennig, God's Basic Law, pp. 146-147.



Our western way of life has come to a parting of the ways; time's takeover bid for eternity has reached the point at which irrevocable decisions have to be taken. Either we go on with the process of shaping our destiny without reference to any higher being than man, deciding ourselves how many children shall be born, when and what varieties, which lives are worth continuing and which should be put out, from whom spare parts--kidneys, hearts, genitals, brainboxes even--shall be taken and to whom allotted.

Or we draw back, seeking to understand and fall in with our Creator's purpose for us rather than to pursue our own; in true humility praying, as the founder of our religion and our civilization taught us; Thy will be done.<sup>16</sup>

The Law of Life is God's alternative to abortion!

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<sup>16</sup>Malcolm Muggeridge, "What the Abortion Argument is About," The Human Life Review 1 (Summer 1975):5.



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